Washington, Friday, August 22, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I-Civil Service Commission

PART 20—RETENTION PREFERENCE REGULA-TIONS FOR USE IN REDUCTIONS IN FORCE

ACTIONS

Effective upon publication in the Federal Register, paragraphs (a) (c) (d) and (e) of § 20.9 (12 F. R. 2851, 4287, 6777) are amended to read as follows:

§ 20.9 Actions * * *

(a) Exceptions; furloughs. Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: Promded, That notice of furlough to employees in subgroups A-1 and A-2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: Provided, however That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A-1 or A-2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position, such status employees in subgroup A-1 or A-2 shall be considered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

(c) Exceptions; status employees. No employee in retention group A-2, A-3, or A-4 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or

- competitive level within the geographic area, which may reasonably be expected to continue for 3 months or more, not filled by a retention group A employee, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Moreover, such employee in subgroup A-2 may not be separated or furloughed by reduction in force if there is a position which may reasonably be expected to continue for 3 months or more in the department in the same geographic area in a line of work similar to the work from which he has been promoted in which an employee in subgroup A-2 with fewer retention credits or any employee in subgroup A-3 or A-4 is retained unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above. agencies shall consider such group A-2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Govern-ment service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-2 shall be made prior to the expiration of the first sixty days of nonduty

(d) Exceptions; veterans preference employees. No employee in subgroup A-1 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the depart-ment in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for 3 months or more not filled by an employee in subgroup A-1. which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Moreover, such employee in subgroup A-1 may not be separated or furloughed by reduction in force if there is a position

(Continued on p. 5549)

CONTENTS

Agriculture Department	Paga
See also Farm Credit Administra-	
tion. Proposed rule making:	
Milk handling in Dubuque, Towa	
area	5672
Alien Property, Office of	
Notices:	
Vesting orders:	
Alcheck, Gustaf A	5577
Atzert, Anna Behrens, Albrecht, and Meta	5677
Behrens	5680
Dautsche Fanto and Dautsch-	5666
Westofrikanische	5677
Eppler, William Goerke, Hugo Guertner, Johann, and	5675
Goerke, Hugo	5675
Kaethe Guertner	ECEO
Mover Flor	5678 5678
Minami, Kazuo	5678
Meyer, Elsa Minami, Kazuo Mueller, Paul, et al	5679
Norinobu, Tatsugiro, et al	5679
Pinkert, Robert, et al.	5679
Pizzle, John	5675
Pizzle, John	F. 6.0.0
Seeger Sasaki, Mitsue	5680
Sera, Sophie	5689 5676
Strauss, Caroline	5676
Szarka, John	5676
Szarks, John Weldner, Helen	5676
Civil Aeronautics Board	
Notice:	
Accident at La Guardia Field,	
N. Y., hearing	5682
Civil Service Commission	
Rules and regulations:	
Retention preference for use in	
reductions in force; actions	5647
Coast Guard	
Proposed rule making:	
Boats, rafts, bulkheads, and life-	
saving appliances	5570
Coastwise	5670
Ocean	5670
Construction Hull, alteration Passenger vessels 100 gross	5670 5670
Poscenger vessels 100 gross	0010
tons and over-properled by	
machinery, material altera-	
tion	5670
Inland waters: Boundary lines	5670
reumary ines	210.411

5670

Pilot rules_____



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1946 SUPPLEMENT

to the

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CONTENTS—Continued *

Page
5670
5670
5670
5670
5670
5670
5670
-
5670
5670

CONTENTS—Continued

CONTENTS—Continued		CONTENTS—Continued	
Coast Guard—Continued Proposed rule making—Continued Officers, licensed, and certifi-	Page	Navy Department Rules and regulations: Naval establishment organiza-	Page
cated men Operation Piping systems	5670 5670 5670	tion and functions; Staff of Chief of Naval Operations Post Office Department	5668
Voyages: Foreign or coastwise Merchant vessels on Great Lakes	5670 5670	Rules and regulations: Mail from foreign countries involving customs revenue; bona fide gifts from members of	
Customs Bureau Rules and regulations:		armed forces; cross reference. Public Housing Administration	5669
Free entry gifts from members of U. S. armed forces Importations by mail; bona fide gifts from member of armed	5650	Rules and regulations: Federal Public Housing Authority ratification, confirmation and validation of	5650
forces; cross reference Farm Credit Administration	5650	Securities and Exchange Com-	
Rules and regulations: Loan interest rates and security eligible commodities	5649	Notices: Hearings, etc	
Federal Communications Communication		et al Plymouth County Electric Co.	5684
Notices: Hearings, etc		and New England Gas and Electric Assn Provincetown Light and	5685
Fannin County Broadcasting Co Johnson County Broadcast-	5683	Power CoPublic Service Co. of Indiana,	5685
nng Corp Patriot Co. et al Patten, C. Thomas	*5683 5682 5683	IncPublic Service Corp. of New Jersey County Gas Co	5685 5686
Pittsburg Broadcasting Co Suffolk Broadcasting Corp.	5683	CODIFICATION GUIDE	
WOOP Inc., et al Proposed rule making: Sharing of television channels	5683 5682	A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules opposed to final actions, are identified to the control of the co	ments es, as
and assignment of frequencies to television and nongovern- ment fixed and mobile serv-	5673	such in parentheses. Title 5—Administrative Personnel	Págo
Rules and regulations: Organization, practice and pro-	0010	Chapter I—Civil Service Commission:	
cedure; authority delegated to Secretary upon approval of Law and Engineering Depart- ments	5669	Part 20—Retention preference regulations for use in reductions in force	5647
Federal Power Commission Notice: Hearings, etc	0000	Title 6—Agricultural Credit Chapter I—Farm Credit Administration, Department of Agriculture;	
Central Kentucky Natural Gas CoInterstate Natural Gas Co.,	5684	Part 70—Loan interest rates and security	5649
Inc	5684 5684 5684 5684	Title 7—Agriculture Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Interstate Commerce Commission		Part 912—Milk in Dubuque, Iowa, marketing area (pro-	5050
Rules and regulations: Car service; appointment of agent to control Tidewater coal and coke	5670	rosed) Title 19—Customs Duties Chapter I—Bureau of Customs, Department of the Treasury	5672
Labor Department Rules and regulations:		Part 9—Importations by mail Part 54—Certain importations	5650 5650
Disclosure of information Land Management, Bureau of	5650	free of duty during the war Title 24—Housing Credit Chapter VI—Public Housing Ad-	
Notice: Alaska, filing of plat of survey.	5681	ministrationTitle 29—Labor	5650
National Labor Relations Board Rules and regulations: Series 5	5656	Subtitle A—Office of the Secretary of Labor Part 2—General regulations of	
Statements of procedure		the Department of Labor	5650

CODIFICATION GUIDE-Con.

5651

5656

- 5670

5670

5668

5669

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

5670

Title 29—Labor—Continued Chapter II—National Labor Rela-
tions Board: Part 202—Statements of proce-
dure Part 203—Rules and regulations,
Series 5
Title 33—Navigation and Navi- gable Waters
gable Waters Chapter III—Coast Guard: Inspection and Navigation:
Part 302—Boundary lines on in-
land waters (proposed) Part 312—Pilot rules for inland
waters (proposed) Title 34—Navy
Chapter I-Department of the
Navy: Part 26—Organization and
functions of the Naval Estab- lishment
Title 39—Postal Service
Title 39—Postal Service Chapter I—Post Office Department:
Part 22-Treatment of mail
matter received from foreign countries involving the cus-
toms revenue
Title 46—Shipping Chapter I—Coast Guard: Inspec-
tion and Navigation:
Part 31—Inspection and certi- fication (tank vessels) (pro-
posed) Part 33—Lifesaving appliances
(tank vessels) (proposed) Part 35—Operation (tank ves-
Part 35—Operation (tank vessels) (proposed)
Part 43—Foreign or coastwise
voyages (proposed) Part 45—Merchant vessels when
engaged in a voyage on the Great Lakes (proposed)
Part 46—Subdivision load lines
for passenger vessels (pro-
Part 52—Construction (pro-
posed) Part 54—Inspection (proposed) _
Part 55—Piping systems (pro- posed)
Part 59—Boats, rafts, bulkheads,
and lifesaving appliances (ocean) (proposed)
Part 60-Boats, rafts, bulk-
heads; and lifesaving appli- ances (coastwise) (proposed)_
Part 62—Licensed officers and certificated men (ocean and
coastwise) (proposed)
Part 63—Inspection of vessels (ocean and coastwise) (pro-
posed) Part 76—Boats, rafts, bulkheads
and lifesaving appllances
(Great Lakes) (proposed) Part 79—Inspection of vessels
(Great Lakes) (proposed)
Part 97—Inspection of vessels (bays, sounds, and lakes other
than the Great Lakes) (pro-

CODIFICATION GUIDE—Con.

Title 46—Shipping—Continued Chapter I—Coast Guard: Inspection and Navigation—Con.	Page
Part 116—Inspection of vessels	
(rivers) (proposed)	5670
Part 141—Manning of inspected	
vessels (proposed)	5670
Part 144—Construction or ma-	
terial alteration of passenger	
vessels of the United States of	
100 gross tons and over pro-	
pelled by machinery (pro-	
posed)	5670
Part 160—Litesaving equipment	
(proposed)	5670
Title 47—Telecommunication	
Chapter I-Federal Communica-	
tions Commission:	
Part 1—Organization and prac-	
tice and procedure	5669
Part 2—General regulations	
(proposed)	5673
Part 3—Radio broadcast services	
(proposed)	5673
Title 49—Transportation and	
Railroads	
Chapter I-Interstate Commerce	
Commission:	
Part 95—Car service	5670

which may reasonably be expected to continue for 3 months or more in the department in the same geographic area in a line of work similar to the work from which he has been promoted in which an employee in subgroup A-1 with fewer retention' credits is retained, unless he declines a reasonable offer of reassignment to a continuing position. Subject to the other requirements set forth above, agencies shall consider such veteran preférence career employee in group A-1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service, including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geo-graphic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) Exceptions; war service employees with veteran preference. No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position in the competitive service if there is another position in the competitive service in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for 3 months or more not filled by an employee in retention group A or subgroup B-1, which he is qualified to fill, unless he refuses a reasonable offer of transfer to a position meeting these

requirements, including reduction in pay if necessary.

(Sec. 12, 58 Stat. 390; 5 U.S. C. Sup. 861)

THE UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] FRANCES PERKINS. Acting President.

[F. R. Doc. 47-7884; Filed, Aug. 21, 1947] 8:50 a. m.1

TITLE 6—AGRICULTURAL CREDIT

Chapter I-Farm Credit Administration, Department of Agriculture

PART 70-LOAN INTEREST RATES AND SECURITY

ELIGIBLE COLUMNITIES

Chapter I, Title 6, Code of Federal Regulations, is hereby amended by revoking § 70.46 and adding § 70.47 to read as follows:

§ 70.47 Eligible commodities. Until further notice and within the limits of § 70.43 only those farm products and farm supplies coming within the general classifications listed below may be accapted as security for loans entitled to the Interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended (Sec. 8, 46 Stat. 14, sec. 11, 49 Stat. 316; 12 U. S. C. 1141f) for loans made upon the security of commodities, when the products or supplies are marketable and generally are in bulk storage.

Grains.

Fibers (such as cotton, wool, mohair, etc.). Tobacco.

Grace seeds.

Legumo cseds (alfalfa, clover, etc.). Other cseds (vegetable, cottonssed, etc.). Dairy products.

Poultry products.
Livestock products.
Grapes to be immediately converted into grape juice, wine, or brandy.
Wines and brandles.

Processed fruits and vegetables, as well as the following fresh fruits and vegetables held in storage

Winter apples and pears. Citrus fruits.

Potatoes.

Sweetpotatoes.

Beans (edible, coy, etc.). Nuta

Liaple food products.

Oll (cottonseed, bean, clive, etc.).

Honey.

Coffee.

Hay. Naval stores.

Pelts of fur-bearing animals produced under fully controlled conditions.

Farm supplies (in bulk and held in storage): Fertilizer.

Fertilizer materials.

Feeds.

Binder twine.

(Secs. 13, 14, 49 Stat. 317; 12 U.S. C. 11341, 1134c; 6 CFR 70.33) [Loan Guide, subj. 3, exh. 4, September 13, 1940]

J. E. Wells, Jr., Cooperative Bank Commissioner.

[F. R. Doc. 47-7883; Filed, Aug. 21, 1947; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 9-IMPORTATIONS BY MAIL

BONA FIDE GIFTS FROM A MEMBER OF THE ARMED FORCES OF THE UNITED STATES

CROSS REFERENCE: For exception to the requirements of § 9.1 with regard to customs invoices in the shipment of bona fide gifts under Public Law No. 790, see § 54.3 (e) infra.

[T. D. 51737]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

FREE ENTRY; GIFTS FROM MEMBERS OF UNITED STATES ARMED FORCES

Public Law No. 384, approved August 8, 1947, amending Public Law No. 790, approved December 5, 1942, relating to the free entry of bona fide gifts from a member of the armed forces of the United States on duty outside the continental lin—is of the United States.

Section 3 of Public Law No. 384, 80th Congress, approved August 8, 1947, entitled "An act to terminate certain tax provisions before the end of World War It" is published for your information and guidance:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 3. Free entry of gifts from members of Armed Forces. (a) Section 1 of the Act of December 5, 1942 (Public Law 790, Seventy-seventh Congress; 56 Stat. 1041), entitled "An Act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad" is hereby amended by inserting after the word "claimed" the words "were purchased in or through authorized agencies of the armed forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States armed forces, and"

(b) The amendment made by subsection (a) shall be applicable in the case of articles entered for consumption or withdrawn from warehouse for consumption on and after September 1, 1947.

(c) Section 2 of such Act is hereby amended, effective as of June 30, 1947, by striking out "the expiration of six months after the termination of hostilities as determined by proclamation of the President, or by concurrent resolution of the Congress" and inserting in lieu thereof "July 1, 1949."

In view of Presidential Proclamation 2714 (12 F R. 1) proclaiming the cessation of hostilities of World War II, Public Law No. 790, 77th Cong., terminated as of the close of business June 30, 1947 (T. D. 51679 (3))

As section 3 of Public Law No. 384 extends Public Law No. 790, 77th Cong., until the close of business June 30, 1949, the regulations promulgated in § 54.3 Bona fide gifts from a member of the armed forces of the United States (19 CFR Cum. Supp., 54.3 (T. D. 50785 and 50869)) are hereby revived and extended until that time, and are amended as follows:

1. Paragraph (d) is hereby amended by inserting "and the Customs Regulations of 1943 (19 CFR, Chapter I)" in lieu of "or the Customs Regulations of 1937."

- 2. Paragraph (f) is hereby amended to read as follows:
- (f) Free entry shall be accorded under the act to articles entered, or withdrawn from warehouse, for consumption on and after December 6, 1942, and before July 1, 1949. (Act of December 5, 1942, Public Law No. 790, 77th Congress; act of August 8, 1947, Public Law No. 384, 80th Congress.)
- 3. Effective as to articles entered, or withdrawn from warehouse, for consumption on and after September 1, 1947, paragraph (a) is amended by adding immediately before the period "if the gifts were purchased in or through authorized agencies of the armed forces of the United States or in accordance with regulations prescribed by the major geographical commands of the United States armed forces"
- 4. Likewise, effective as to articles entered or withdrawn on and after September 1, 1947, paragraphs (b) (c) and (e) are hereby amended to read as follows:
- (b) Satisfactory evidence as to the status of articles under Public Law_No. 790, as amended, will have been filed in connection with the entry within the meaning of the statute if (1) the shipment is accompanied by a declaration of the donor and a duly designated officer of the armed forces executed substantially in the following form:

I certify that I am a member of the armed forces of the United States on duty outside the continental limits of the United States, that the following-described articles in this parcel are being sent as bona fide gifts from me, that they were purchased in accordance with regulations prescribed by the major geographical command of the armed forces from which sent, and that the amounts listed below are the actual amounts paid for such articles:

Item (Indicate type of currency)

(Name)

(Rank) (Serial No.)

(Post of duty)

Amount paid

I certify that the above-described articles were purchased (1) in or through an authorized agency of the armed forces of the United States in accordance with regulations prescribed by the major geographical command of the United States armed forces from which sent, or (2) in accordance with regulations prescribed by the major geographical command of the United States armed forces from which sent (Strike out inapplicable clause).

(Date)

(Name)

(Rank) (Serial No.)
(Officer designated by
local commander to
execute the foregoing declaration
in accordance with
current rules and
regulations)

or if (2) such a declaration, adequatelydescribing and identifying the articles, is filed at the customhouse prior to the liquidation of the entry.

- (c) The declaration provided for in paragraph (b) (1) of this section shall be retained by customs officers, or, if affixed to the parcel in a manner which makes removal impracticable, shall be appropriately marked to prevent its further use.
- (e) Customs invoices, including the invoices provided for in § 9.1, Customs Regulations of 1943 (19 CFR, Cum. Supp., 9.1, 39 CFR 22.9) shall not be required for shipments of bona fide gifts accorded free entry under Public Law No. 790, as amended, in whole or in part. If the certificate provided for in paragraph (b) (1) of this section stating the information as to the purchase price of each article listed accompanies the parcel, it shall be accepted as a compliance with the other requirements of § 9.1 of the customs regulations.

(Secs. 498, 624, 46 Stat. 728, 759, 56 Stat. 1041, Public Law No. 384, 80th Cong., 19 U. S. C. 1498, 1624, 50 U. S. C. App. Sup. 846, 847)

[SEAL] Frank Dow,
Acting Commissioner of Customs.

Approved: August 15, 1947.

A. L. M. Wiggins,
Acting Secretary of the Treasury.

[F. R. Doc. 47-7844; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

RATIFICATION, CONFIRMATION AND VALIDA-TION OF FPHA ACTIONS

All regulations, rules, orders, policies, determinations, directives, authorizations, permits, privileges, requirements, designations, and other actions which were issued or taken by or under the authority of the Commissioner of the Federal Public Housing Authority and which were in effect immediately preceding the effective date of Reorganization Plan No. 3 of 1947 are hereby continued in full force and effect until modified, superseded, or repealed.

This order shall be effective upon the taking effect of Reorganization Plan No. 3 of 1947.

Approved: July 27, 1947.

[SEAL]

D. S. Myer, Acting Public Housing Commissioner

[F. R. Doc. 47-7838; Filed, Aug. 21, 1947; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS OF THE DEPARTMENT OF LABOR

DISCLOSURE OF INFORMATION

Pursuant to R. S. 161 (5 U. S. C. 22) this part is amended by adding § 2.6a as follows:

§ 2.6a Information received under sections 9 (f) and (g) and 211 (a) of the Labor-Management Relations Act. 1947 (a) No officer or employee of the Office for the Registration of Labor Organizations, nor any other officer or employee of the United States Department of Labor, receiving or handling information received under sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Pub. Law 101, 80th Cong.) shall make such information public, nor disclose such information to any person outside of the Department of Labor except, upon written request, to the following: (1) members of a particular labor organization, or of the national or international labor organization of which it is an affiliate or constituent unit, but only with respect to the information filed for such organizations; (2) the National-Labor Relations Board or courts of competent jurisdiction in appropriate proceedings under the National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947; or (3) members of Congress through the Senate Committee on Labor and Public Welfare, the House Committee on Education and Labor, or the Joint Committee on Labor-Management Relations.

The existing regulations of the Department of Labor governing the availability for inspection of official records, and the obtaining of copies of documents are applicable to requests made for this information.

(b) Requests to examine copies of available collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department pursuant to section 211 (a) of the Labor-Management Relations Act, 1947, may be made orally or in writing to the Chief, Industrial Relations Branch, Bureau of Labor Statistics. United States Department of Labor, Washington 25. D. C. The inspection may be made only during business hours at the United States Department of Labor, Washington, D. C., and such inspection will be denied with respect to any specific information submitted to the Department in confidence. (R. S. 161, 5 U.S.C. 22)

Signed at Washington, D. C., this 18th day of August 1947.

L. B. Schwellenbach, Secretary of Labor

[F. R. Doc. 47-7843; Filed, Aug. 21, 1947; 8:46 a. m.]

Chapter II—National Labor Relations Board

PART 202—STATEMENTS OF PROCEDURE

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, 80th Congress, 1st Session, the National Labor Relations Board hereby issues and causes to be published in the FIDEREL REGISTER the following General Statement of Procedure promulgated to carry out the provisions of said act. Said General Statement of Procedure shall become effective upon the signing of the original by the Members of the Board and upon the publication thereof in the Federal Recesser and shall supersede any prior General Statement of Procedure. This General Statement of Procedure shall be in force and effect until amended or rescinded by the Board.

SUBPART A-GENERAL STATESFELT

Sec. 202.1 General statement.

Suppart B—unyam lador practice cases under Edition 10 (a) to (i) of the act and tyle-Graph lifeger act cases

202.2 Initiation of Unfair Labor Practice and Telegraph Merger Act cares. 202.3 Compliance with rection 9 (1), (g),

and (h) of the act. 202.4 Investigation of charges. 202.5 Withdrawal of charges.

202.6 Dismissal of charges and appeals to board.

202.7 Eettlements.

202.8 Complaints.

2.9 Settlement after issuance of com-

plaint. 202.10 Hearings.

202.11 Intermediate report (recommended decicions).

202.12 Board decision and order.

202.13 Compliants with Board decision and order.

202.14 Judicial review of Board decicions and orders.

202.15 Compliance with court decree.

EUEPART O—REFRESENTATION CASES UNDER ELECTION O (O) OF THE ACT

202.16 Investigation of representation case.

202.17 Investigation of petition.
202.18 Consent adjustments before hearing.

202,19 Formal hearing.

202.20 Hearing; procedure after hearing.

SUPPART D-REFERENDUM CASES UNDER SECTION 9 (8) (1) AND (2) OF THE ACT

202.21 Initiation of authorization cases.
202.22 Investigation of petition; withdraw-

als and dismissals.

202.23 Consent agreements providing for election.

202.24 Procedure respecting election conducted without hearing.

202.25 Formal hearing and procedure respecting elections conducted after hearing.

202.26 Initiation of receission of authority cases.

202.27 Investigation of patition.

202.28 Consent agreements; elections conducted without hearings; formal hearings and elections conducted after hearings; postelection procedure.

SUSPART D-JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

202.29 Initiation of proceedings to hear and determine jurisdictional disputes under section 10 (k).

202.30 Investigation of charges; withdrawal of charges; dismissals of charges and appeals to Board.

20231 Initiation of formal action; settle-

202.32 Hearing.

202.33 Procedure before the Board.

202.34 Compliance with certification; further proceedings.

SUBPART F—PROCEDURE UNDER CECTION 10 (J)
AND (I) OF THE ACT

202.35 Application for temporary relief or restraining order.

20236 Change of circumstances.

AUTHORITY: §§ 202.1 to 202.26, including, insued under sec. 6, 49 Stat. 452, Pub. Law 101, 80th Cong.; 29 U. S. C. 156.

SUBPART A-GENERAL STATEMENT

§ 202.1 General statement. By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, Public Law 101, 80th Congress, the National Labor Relations Board has issued and caused to be published in the FEDERAL REGISTER SIMULtaneously herewith, Part 203 of this chapter (rules and regulations, series 5) which it has found necessary, as provided in section 6 of the National Labor Relations Act, to carry out the provisions of that act. These rules and regulations state the general rules of procedure followed by the Board in administering its functions. The following statements of the general course and method by which the Board's functions are channeled and determined, issued and published as provided in section 3 (a) (2) of the Administrative Procedure Act, amplify and supplement these rules of procedure.

SUBPART D—UNIFAIR LABOR FRACTICE CASES
UNDER SECTION 10 (8) TO (1) OF THE ACT
AND THE CRAFF MERGER ACT CASES

§ 202.2 Initiation of Unfair Labor Practice and Telegraph Merger Act eases. The investigation of an alleged violation of the National Labor Relations Act or section 222 (f) of the Telegraph Merger Act is initiated by the filing of a charge by any person. The charge, which must be in writing and under oath, is filed with the Regional Director for the Region in which the alleged violations have occurred or are occurring. A blank form for filing such charges is supplied by the Regional Office upon request. The charge contains the name and address of the person against whom the charge is made and a statement of the facts constituting the alleged unfair labor practices or unlawful conduct.

§ 202.3 Compliance with section 9 (f) (g), and (h) of the act. If the charge is filed by a labor organization, that labor organization must present either with the charge or within a reasonable period notto exceed 10 days thereafter, a letter from the U.S. Department of Labor showing that it and every national or international labor organization of which it is an affiliate or constituent unit have complied with section 9 (f) and (g) of the act requiring the filing of certain reports with the United States Department of Labor. In addition the labor organization and every national or international labor organization of which it is an affiliate or constituent unit must have complied with section 9 (h) of the act by filing with the General Counsel of the Board in Washington, D. C., either with the charge or within a reasonable period not to exceed 10 days thereafter, an affidavit by an authorized agent executed contemporaneously or within the pre-ceding twelve-month period listing the titles of all offices of the organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term, and affidavits from each such officer, executed contemporaneously or within the preceding twelve-month period, stating that he is not a member of the Communist Party or affiliated with such party and

that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. No investigation is made or complaint issued on any charge filed by a labor organization unless that labor organization and every national or international labor organization of which it is an affiliate or constituent unit have complied herewith.

Investigation of charges. When the charge is received in the Regional Office it is filed, docketed, and assigned a case number. The Regional Director will, on request of the charging party, and may in any case cause a copy of the charge to be served upon the person against whom the charge is made. but timely service of a copy of the charge within the meaning of the proviso to section 10 (b) of the act is the exclusive responsibility of the charging party and not of the General Counsel or his agents. The Regional Director requests the person filing the charge to submit evidence in its support. The person against whom the charge is filed, heremafter called the respondent, is asked to submit a written statement of his position in respect to the allegations. The case is then assigned to a member of the field staff for investigation, who interviews representatives of all parties and those persons who have knowledge as to the charges. In the investigation and in all other stages of the proceedings, charges alleging violation of section 8 (b) (4) (A) (B) and (C) are given priority over all other cases in the office in which they are pending except cases of like character and charges alleging violation of Section 8 (b) (4) (D) are given priority over all cases except section 8 (b) (4) (A) (B) and (C) cases and other cases alleging violation of section 8 (b) (4) (D) After full investigation, the case may be disposed of through informal methods such as withdrawal, dismissal, and settlement; or, the case may necessitate formal methods of disposition. Some of the informal methods of handling unfair labor practice cases will be stated first.

§ 202.5 Withdrawal of charges. If investigation reveals that there has been no violation of the National Labor Relations or Telegraph Merger Acts or the evidence is insufficient to substantiate the charge, the Regional Director recommends withdrawal of the charge by the person who filed. The complainant may also, on its own initiative, request withdrawal. If the complainant accepts the recommendation of the Director or requests withdrawal on its own initiative, the respondent is immediately notified of the withdrawal of the charge.

§ 202.6 Dismissal of charges and appeals to Board. If the complainant refuses to withdraw the charge as recommended, the Regional Director dismisses the charge. The Regional Director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the General Counsel in Washington within 10 days. If the complainant appeals to

the General Counsel, the entire file in the case is sent to Washington where the case is fully reviewed by the General Counsel with the assistance of his staff. Following such review, the General Counsel may sustain the Regional Director's dismissal, stating the grounds of his affirmance, or may direct the Regional Director to take further action.

§ 202.7 Settlements. Before any complaint is issued or other formal action taken, the Regional Director affords an opportunity to all parties for the submission and consideration of facts, argument, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit. Normally prehearing conferences are held, the principal purpose of which is to discuss and explore such submissions and proposals of adjustment. The Regional Office provides Board-prepared forms for such settlement agreements, as well as printed notices for posting by the respondent. These agreements, which are subject to the approval of the Regional Director, provide for the withdrawal of the charge by the complainant at such time as the respondent has complied with the terms of the settlement agreement. Proof of such compliance is obtained by the Regional Director before the case is closed. If the respondent fails to perform his obligations under the informal agreement, the Regional Director may determine to institute formal proceedings.

§ 202.8 Complaints. If the charge appears to have merit and efforts to dispose of it by informal adjustment are unsuccessful, the Regional Director institutes formal action by issuance of a complaint and notice of hearing. In certain types of cases, involving novel and complex issues, the Regional Director, at the discretion of the General Counsel, must submit the case for advice from the General Counsel before issuing complaint. The complaint, which is served on all parties, sets forth the facts upon which the Board bases its jurisdiction and the facts relating to the alleged violations of law by the respondent. The respondent must file an answer to the complaint within 10 days of its receipt. setting forth a statement of its defense.

§ 202.9 Settlement after issuance of complaint. (a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun, the attorney in charge of the case and the Regional Director afford all parties every opportunity for the submission and consideration of facts, arguments, offers of settlement or proposals of adjustment, except where time, the nature of the proceeding and the public interest do not permit.

(b) All settlement stipulations made after the issuance of a complaint are subject to the approval of the Regional Director and of the Board in Washington. If the settlement provides for the entry of an order by the Board, the parties agree to waive their right to hearing

and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the adjustment. Usually the settlement stipulation also contains the respondent's consent to the Board's application for the entry of a decree by the appropriate Circuit Court of Appeals enforcing the Board's order.

(c) In the event the respondent fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition that court to adjudge the respondent in contempt. If the respondent refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to section 10 of the National Labor Relations Act.

§ 202.10 Hearings. Except in extraordinary situations the hearing is open to the public and usually conducted in the Region where the charge originated. A trial examiner, designated by the Chief Trial Examiner and sent from the Washington staff, presides over the hearing. The Government's case is conducted by an attorney attached to the Board's Regional Office, who has the responsibility of presenting the evidence in support of the complaint. The rules of evidence applicable in the District Courts of the United States under the Rules of Civil Procedure adopted by the Supreme Court are, so far as practicable, controlling. Counsel for the Board, all parties to the proceeding, and the trial examiner have the power to call, examine and crossexamine witnesses, and to introduce evidence into the record. They may also submit briefs, engage in oral argument, and submit proposed findings and con-clusions to the trial examiner. The attendance and testimony of witnesses and the production of evidence material to any matter under investigation may be compelled by subpena.

The functions of all trial examiners and other Board agents or employees participating in decisions in conformity with section 8 of the Administrative Procedure Act, are conducted in an impartial manner and any such trial examiner, agent or employee may at any time withdraw if he deems himself disqualified because of bias or prejudice. The Board's attorney has the burden of proof of violations of section 8 of the National Labor Relations Act and section 222 (f) of the Telegraph Merger Act. In connection with hearings subject to the provisions of section 7 of the Administrative Procedure Act:

(a) No sanction is imposed or rule or order issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the preponderance of the reliable, probative, and substantial evidence;

(b) Every party has the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts;

(c) Where any decision rests on official notice of a material fact not appearing in the evidence in the record, any party is on timely request afforded a reasonable opportunity to show the contrary.

§ 202.11 Intermediate report (recommended decision) (a) At the conclusion of the hearing the trial examiner prepares an intermediate report (recommended decision) stating findings of fact and conclusions, as well as the reasons for his determinations on all material issues, and making recommendations as to action which should be taken in the case. The trial examiner may recommend dismissal of sustain the complaint, in whole or in part, and recommend that the respondent cease and desist from the unlawful acts found and take action to remedy their effects.

(b) The intermediate report is filed with the Board in Washington and copies are simultaneously served on each of the parties. At the same time the Board, through its Executive Secretary, issues and serves on each of the parties an order transferring the case to the Board. The parties may accept and comply with the recommendations of the trial examiner, and thus normally conclude the entire proceedings at this point. Or, the parties or counsel for the Board may file exceptions to the intermediate report with the Board and may also request permission to appear and argue orally before the Board in Washington. They may also submit proposed findings and conclusions to the Board. Oral argument is very frequently granted.

§ 202.12 Board decision and order. (a) If any party files exceptions to the intermediate report, the Board, with the assistance of the legal assistants to each Board member who function in much the same manner as law clerks do for judges. reviews the entire record, including the trial examiner's report and recommendations, the exceptions thereto, the complete transcript of evidence and the exhibits, briefs, and arguments. The Board does not consult with members of the trial examining staff or with any agent of the general counsel in its deliberations. It then issues its decision and order in which it may adopt, modify, or reject the findings and recommendations of the trial examiner. The decision and order contains detailed findings of fact, conclusions of law, the basic reasons for decision on all material issues raised, and an order either dismissing the complaint in whole or in part or requiring the respondent to cease and desist from its unlawful practices and to take appropriate affirmative action.

(b) If no exceptions are filed to the intermediate report, and the respondent does not comply with its recommendations, the Board adopts the report and recommendations of the trial examiner. All objections and exceptions, whether or not previously made during or after the hearing, are deemed waived for all purposes.

(c) If no exceptions are filed to the intermediate report and its recommendations and the respondent complies there-

with, the case is normally closed but the Board may, if it deems necessary in order to effectuate the policies of the act, adopt the report and recommendations of the trial examiner.

§ 202.13 Compliance with Board decision and order. (a) Shortly after the Board's decision and order is issued the Director of the Regional Office in which the charge was filed communicates with the respondent for the purpose of obtaining compliance. Conferences may be held to arrange the details necessary for compliance with the terms of the order

(b) The Regional Director submits to the Board a report on compliance when compliance is obtained. This report must meet the approval of the Board before the case may be closed. Despite compliance, however, the Board's order is a continuing one; therefore, the closing of a case on compliance is necessarily conditioned upon the continued observance of that order; and in some cases it is deemed desirable, notwithstanding compliance, to implement the order with an enforcing decree. Subsequent violations of the order may become the basis of further proceedings.

§ 202.14 Judicial review of Board decisions and orders. If the respondent does not comply with the Board's order. or the Board deems it desirable to implement the order with a court decree, the Board may petition the appropriate federal court for enforcement. Or, the respondent may petition the circuit court of appeals to review and set aside the Board's order. Upon such review or enforcement proceedings, the court reviews the record and the Board's findings and order and sustains them if they are in accordance with the requirements of law. The court may enforce, modify, or set aside in whole or in part the Board's findings and order, or it may remand the case to the Board for further proceedings as directed by the court. Following the court's decree, either the government or the private party may petition the Supreme Court for review upon writ of certiorari. Such applications for review to the Supreme Court are handled by the Board through the Solicitor General of the United States.

§ 202.15 Compliance with court decree. After a Board order has been enforced by a court decree, the Board has the responsibility of obtaining compliance with that decree. Investigation is made by the Regional Office of the respondent's efforts to comply. If it finds that the respondent has failed to live up to the terms of the court's decree, the General Counsel may, on behalf of the Board, petition the court to hold him in contempt of court. The court may order immediate remedial action and impose sanctions and penalties.

SUBPART C—REPRESENTATION CASES UNDER SECTION 9 (c) OF THE ACT

§ 202.16 Initiation of representation case. The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organiza-

tion acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognized as the exclusive bargaining representative. If there is a certified or currently recognized representative, any employee or group of employees or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognized agent is still the representative of the employees. All petitions must be notarized and are filed with the Regional Director for the Region in which the proposed or actual bargaining unit exists. The petition forms, which are supplied by the Regional Office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved. the names of other labor organizations which also claim to represent the same employees, and, if filed by a labor organization, a statement as to whether it has complied with section 9 (f), (g), and (h) of the act (see § 202.3, supra) Petitions will be accepted for docketing even though there has not yet been compliance with section 9 (f) (g) and (h) but such petitions will not be processed until there has been full compliance as required by the statute and they will be dismissed unless such compliance is forthcoming within a reasonable period, not to exceed 10 days, after the filing of the petition. If a petition is filed by a labor organization or in the case of a petition to decertify a certified or recognized bargaining agent, the petitioner must supply with the petition, or within 48 hours after filing, evidence of representation. Such evidence is usually in the form of cards authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding.

§ 202.17 Investigation of petition. (a) Upon receipt of the petition in the Regional Office, it is docketed and assigned to a member of the staff, usually, a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining and the existence of a bona fide question concerning representation within the meaning of the act. (3) whether the election would effectuate the policies of the act and reflect the free choice of employees in the appropriate unit, and (4) whether, if the petitioner is a labor organization seeking recognition, there is a sufficient probability, based on the evidence of representationof the petitioner, that the employees have selected it to represent them. The evidence of representation submitted by the petitioning labor organization or by the person seeking decertification is ordinarily checked to determine the number or proportion of employees who have designated the petitioner, it being the Board's administrative experience that in the absence of special factors the conduct of an election serves no purpose un-

der the statute unless the petitioner has been designated by at least 30 percent of the employees. However, in the case of a petition by an employer, no proof of representation on the part of the labor organization claiming a majority is required and the Regional Director proceeds with the case if other factors require it unless the labor organization withdraws its claim to majority representation. The field examiner, or other member of the staff, attempts to ascertain from all interested parties whether or not the grouping or unit of employees described in the petition constitutes an

appropriate bargaining unit.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that no question of representation exists within the meaning of the statute, because, among other possible reasons, the unit is not appropriate, or a written contract precludes further investigation at that time, or where the petitioner is a labor organization or a person seeking decertification, the showing of representation among the employees is insufficient to warrant an election under the 30 percent principle stated in paragraph (a) of this section.

(c) For the same or similar reasons the Regional Director may request the petitioner to withdraw its petition. If, despite the Regional Director's recommendation, the petitioner refuses to withdraw the petition, the Regional Director then dismisses the petition stating the grounds for his dismissal and informing the petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the Regional Director's dismissal by filing such request with the Board in Washington. After a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.18 Consent adjustments before formal hearing. The Board has devised and makes available to the parties two types of informal consent procedures through which representation issues can be resolved without recourse to formal procedures. These informal arrangements are commonly referred to as (a) consent election agreement, followed by Regional Director's determination, and (b) consent election agreement, followed by Board certification. Forms for use in these informal procedures are available in the Regional Offices.

(a) (1) The consent election agreement followed by the Regional Director's determination of representatives is the most frequently used method of informal adjustment of representation cases. The terms of the agreement providing for this form of adjustment are set forth in printed forms, which are available upon request at the Board's Regional Offices. Under these terms the parties agree with respect to the appropriate unit, the pay roll to be used as the basis of eligibility to vote in an election, and the place, date, and hours of balloting. A Board agent arranges the details incident to the mechanics and conduct of the election. For

example, he usually arranges preelection conferences in which the parties check the list of voters and attempt to resolve any questions of eligibility. Also, prior to the date of election, official notices of election are, whenever possible, posted conspicuously in the plant. These notices reproduce a sample ballot and outline such election details as location of polls, time of voting, and eligibility rules.

(2) The actual polling is always conducted and supervised by Board agents. Appropriate representatives of each party may assist them and observe the election. As to the mechanics of the election, a ballot is given to each eligible voter by the Board's agents. The ballots are marked in the secrecy of a voting booth. The Board agents and authorized observers have the privilege of challenging for reasonable cause employees who apply for ballots.

(3) Customarily the Board agents, in the presence and with the assistance of the authorized observers, count and tabulate the ballots, immediately after the closing of the polls. A complete tally of the ballots is served upon the parties upon the conclusion of the count

(4) If challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and rules on the challenges. Similarly, if objections to the conduct of the election are filed within 5 days of the issuance of the tally of ballots, the Regional Director likewise conducts an investigation and rules upon the objections. If, after investigation, the objections are found to have merit, the Regional Director may void the election results and conduct a new election.

(5) This form of agreement provides that the rulings of the Regional Director on all questions relating to the election (for example, eligibility to vote and the validiy of challenges and objections) are final and binding. Also, the agreement provides for the conduct of a run-off election, in accordance with the provisions of the Board's rules and regulations, if two or more labor organizations appear on the ballot and no one choice receives the majority of the valid votes cast.

(b) The consent election agreement followed by a Board certification provides that the agreed-upon election shall be the basis of a formal decision by the Board instead of an informal determination by the Regional Director. In this agreement also it is provided that the Board, rather than the Regional Director, makes the final determination of questions raised concerning eligibility, challenged votes and objections to the conduct of the election. Thus, if challenged ballots are sufficient in number to affect the results of the count, the Regional Director conducts an investigation and issues a report on the challenges instead of ruling thereon. Similarly, if objections to the conduct of the election are filed within 5 days after issuance of the tally of ballots, the Regional Director likewise conducts an investigation and issues a report instead of ruling upon the validity of the objections. In either event, the Regional Director's report is served upon the parties, who may file exceptions thereto within 5 days with the Board in Washington. The Board then reviews the entire record made and may. if a substantial issue is raised, direct a hearing on the challenged ballots or the objections to the conduct of the election. Or, the Board may, if no substantial issues are raised, affirm the Regional Director's report and take appropriate action in termination of the proceedings. If a hearing is held upon the challenged ballots or objections, all parties are heard and the record made on the hearing is reviewed by the Board with the assistance of its legal assistants and a final determination made thereon. If the objections are found to have merit, the election results may be voided and a new election conducted under the supervision of the Regional Director. If the union has been selected as the representative. the Board issues its certification and the proceeding is terminated. If upon a decertification or employer petition the union loses the election the Board certifles that the union is not the chosen representative.

§ 202.19 Formal hearing. If no informal adjustment of the question concerning representation has been effected and it appears to the Regional Director that formal action is necessary, the Regional Director will institute formal proceedings by issuance of a notice of hearing on the issues, which is followed by Board decision and direction of election or dismissal of the case. In certain types of cases, involving novel or complex issues, the Regional Director may submit the case for advice from the General Counsel before issuing notice of hearing.

§ 202.20 Hearing; procedure after hearing. (a) The notice of hearing, together with a copy of the petition, is served upon the unions and employer filing or named in the petition and upon other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the Regional Office but may be another qualified official. The hearing, which is non-adversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the record before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is forwarded to the Board in Washington. The hearing officer also transmits an analysis of the issues and the evidence, but makes no recommendations in regard to resolution of the dispute. All parties may file briefs with the Board within 7 days after the close of the hearing and may also

request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the petition or directing that an election be held. In the latter event, the election is conducted under the supervision of the Regional Director in the manner already described in § 202.18 above.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in connection with the post-election procedures in cases involving consent elections to be followed by Board certifications.

(e) If the election involves two or more labor organizations and if the election results are inconclusive because no choice on the ballot received the majority of valid votes cast, a run-off election is held as provided in the Board's rules and regulations.

SUBPART D—REFERENDUM CASES UNDER SECTION 9 (e) (1) AND (2) OF THE ACT

§ 202.21 -Initiation of authorization cases. The investigation of the question as to whether a labor organization which is the representative of employees as provided in section 9 (a) of the act is authorized by a majority of the eligible employees within the appropriate unit to enter into an agreement with the employer requiring union membership of such employees as a condition of employment is initiated by the filing of a petition by such labor organization. The petition, which must be notarized, is filed with the Regional Director for the Region in which the appropriate bargaining unit exists. The blank petition form, which is supplied by the Regional Office upon request, provides, among other things, for a description of the bargaining unit to be covered by the agreement if made, the approximate number of employees involved, the date of certification or recognition by the employer of the petitioner if there is no certification, the approximate number of employees within the unit who have authorized petitioner to make such an agreement, the names of other labor organizations which claim to represent the employees, and if filed by a labor organization, a statement as to whether it has complied with section 9 (f) (g), and (h) of the act. No petition will be accepted for filing unless the petitionmg labor organization is in compliance with section 9 (f) (g) and (h) of the act as provided in § 202.3. Petitioner must supply with the petition, or within 48 hours after filing, its evidence of authorization from the employees to seek an election.

§ 202.22 Investigation of petition. (a) Upon receipt of the petition in the Regional Office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) whether a question concerning representation exists within the meaning of

the act which requires resolution by a section 9 (c) proceedings, (3) whether an election would effectuate the policies of the act by providing for a free expression of choice by the employees, and (4) whether the petitioner has been authorized by at least 30 percent of the employees to make such an agreement. The evidence of authorization submitted by the petitioner is usually in the form of cards signed by individual employees authorizing or expressing a desire for petitioner to enter into such an agreement and is checked to determine the proportion of employees who desire to authorize the petitioner.

(b) The petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that an election is inappropriate, because, among other possible reasons, a question of representation exists which requires resolution by a section 9 (c) proceedings or the petitioner's card showing of authorization by the employees is insufficient to meet the 30 percent statutory requirement referred to in paragraph (a)

of this section.

(c) For the same or similar reasons the Regional Director may request the petitioner to withdraw its petition. If petitioner, despite the Regional Director's recommendation, refuses to withdraw the petition, the Regional Director then dismisses the petition, stating the grounds for his dismissal and informing petitioner of his right of appeal to the Board in Washington, D. C. The petitioner may within 10 days appeal from the Regional Director's dismissal by filing such request with the Board in Washington. The request shall contain a complete statement setting forth the facts and reasons upon which the request is made. After a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the Regional Director to take further action.

§ 202.23 Consent agreements providing for election. The Board makes
available to the parties two types of informal consent procedures through
which authorization issues can be resolved without resort to formal procedures. These informal agreements are
commonly referred to as (a) consent
election agreement, followed by Regional Director's determination, and (b)
consent election agreement, followed by
Board certification. Forms for use in
these informal procedures are available
in Regional Offices.

The procedures to be used in connection with a consent election agreement providing for Regional Director's determination and a consent election agreement providing for Board certification are the same as those already described in Subpart C in connection with representation cases under section 9 (c) of the act, except that no provision is made for run-off elections.

§ 202.24 Procedure respecting election conducted without hearing. (a) If the Regional Director determines that the case is an appropriate one for election without formal hearing, an election is

conducted as quickly as possible among the employees and upon the conclusion of the election the Regional Director furnishes to the parties a tally of the ballots. The parties, however, have an opportunity to make appropriate challenges and objections to the conduct of the election and they have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election and challenged ballots, as has already been described in Subpart C in connection with the post election pro-cedures in representation cases under section 9 (c) of the act, except that no provision is made for a run-off election. If no such objections are filed within 5 days, and if the challenged ballots are insufficient in number to affect the results of the election, the Regional Director forwards to the Board the tally of the ballots and the Board thereupon makes appropriate disposition of the case.

§ 202.25 Formal hearing and procedure respecting elections conducted after hearing. (a) If the preliminary investigation indicates that there are substantial issues which require Board determination before an appropriate election may be held, the Regional Director will institute formal proceedings by issuance of a notice of hearing on the issues which, after hearing, is followed by Board decisions and direction of election or dismissal. The notice of hearing, together with a copy of the petition is served upon petioner, the employer, and upon any other known persons or labor organizations claiming to have been designated by employees involved in the proceeding.

(b) The hearing, usually open to the public, is held before a hearing officer who normally is an attorney or field examiner attached to the Regional Office but may be another qualified official. The hearing, which is nonadversary in character, is part of the investigation in which the primary interest of the Board's agents is to insure that the record contains as full a statement of the pertinent facts as may be necessary for determination of the case by the Board. The parties are afforded full opportunity to present their respective positions and to produce the significant facts in support of their contentions. In most cases a substantial number of the relevant facts are undisputed and stipulated. The parties are permitted to argue orally on the rec-

ord before the hearing officer.

(c) Upon the close of the hearing, the entire record in the case is then forwarded to the Board in Washington, together with an informal analysis by the hearing officer of the issues and the evidence but without recommendations. All parties may file briefs with the Board within 7 days after the close of the hearing and may also request to be heard orally by the Board. Because of the nature of the proceedings, however, permission to argue orally is rarely granted. After review of the entire case, the Board issues its decision either dismissing the patition or directing that an election be held. In the latter event, the election is conducted under the supervision of the Regional Director in the manner already described in § 202.18.

(d) The parties have the same rights, and the same procedure is followed, with respect to objections to the conduct of the election, and challenged ballots, as has already been described in connection with the post-election procedures in cases involving consent elections to be followed by Board certifications.

§ 202.26 Initiation of rescission of authority cases. The investigation of the question as to whether the authority of a labor organization to make an agreement requiring membership in a labor organization as a condition of employment is rescinded is initiated by the filing of a petition by any employee or group of employees on behalf of 30 percent or more of the employees in a bargaining unit for which the labor organization has been authorized to make such an agreement. The petition, which must be notarized, is filed with the Regional Director for the area in which the alleged appropriate bargaining unit exists. The blank petition form, which is supplied by the Regional Office upon request, provides, among other things, for a description of the bargaining unit involved, the name and address of the labor organization whose authority is in issue, the approximate number of employees involved. and the approximate number of employees within the unit who have authorized petitioner to file the petition. Petitioner must supply, with the petition, or within 48 hours after filing, its evidence of authorization from the employees to seek an election.

§ 202.27 Investigation of petition, withdrawals and dismissals. (a) Upon receipt of the petition in the Regional Office, it is filed, docketed, and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an' investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) whether the time as appropriate for holding such an election, (3) whether an election would effectuate the policies of the act by providing for a free expression of choice by the employees, and (4) whether petitioner has been authorized by at least 30 percent of the employees to file such a petition. The evidence of designation submitted by petitioner, usually in the form of cards signed by individual employees authorizing the filing of such a petition, is checked to determine the proportion of employees who desire rescission.

(b) Petitioner may on its own initiative request the withdrawal of the petition if the investigation discloses that an election is inappropriate, because, among other possible reasons, a written contract held by the labor organization whose authority petitioner desires to rescind precludes further investigation at that time, or petitioner's card showing is insufficient to meet the 30 percent statutory requirement referred to in paragraph (a) of this section.

(c) The same procedure is followed with respect to the Regional Director's request for withdrawal or dismissal, as has already been described in § 202.22.

§ 202.28 Consent agreements; elections conducted without hearings; for-

mal hearings and elections conducted after hearings; post election procedures. The same procedure is followed with respect to consent agreements providing for election, elections conducted without hearings, formal hearings and elections conducted after hearings and subsequent procedures as has already been described in §§ 202.23 to 202.25, inclusive.

SUBPART E-JURISDICTIONAL DISPUTE CASES UNDER SECTION 10 (k) OF THE ACT

§ 202.29 Initiation of proceedings to hear and determine jurisdictional disputes under section 10 (k) The investigation of a jurisdictional dispute under section 10 (k) is initiated by the filing of a charge, as described in § 202.2, by any person alleging a violation of paragraph (4) (D) of section 8 (b)

§ 202.30 Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board. These matters are handled as described in §§ 202.3 to 202.7, inclusive. Cases involving violation of paragraph (4) (D) of section 8 (b) are given priority over all other cases in the office except cases under paragraphs (4) (A) (4) (B) and (4) (C) of section 8 (b)

§ 202.31 Initiation of formal action, settlement. If, after investigation, it appears to the Regional Director that further proceedings should be instituted. he issues a notice of filing of the charge together with a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of hearing. If within 10 days after service of the notice of hearing, the parties present to the Regional Director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the Regional Director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. The parties may agree on an arbitrator, a proceedings under section 9 (c) of the act, or any other satisfactory method to resolve the dispute.

§ 202.32 Hearing. If the parties have not adjusted the dispute or agreed upon methods of voluntary adjustment, a hearing, usually open to the public, is held before a hearing officer. The hearing is non-adversary in character, and the primary interest of the hearing officer is to insure that the record contains as full a statement of the pertinent facts as may be necessary for a determination of the issues by the Board. All parties are afforded full opportunity to present their respective positions and to produce evidence in support of their contentions. The parties are permitted to argue orally on the record before the hearing officer. At the close of the hearing, the case is transmitted to the Board for decision. The hearing officer prepares an analysis of the issues and the evidence but makes no recommendations in regard to resolution of the dispute.

§ 202.33 Procedure before the Board. The parties have 7 days after the close of the hearing to file briefs with the Board and to request oral argument which the Board may or may not grant. The Board then considers the evidence taken at the hearing and the hearing officer's analysis together with any briefs that may be filed and the oral argument, if any, and issues its certification of the labor organization or the particular trade, craft, or class of employees which shall perform the particular work tasks in issue.

§ 202.34 Compliance with certification; further proceedings. After the issuance of certification by the Board, the Regional Director in the region in which the proceeding arose communicates with the parties for the purpose of ascertaining their intentions in regard to compliance. Conferences may be held for the purpose of working out details. If the Regional Director is satisfied that parties are complying with the certification, he dismisses the charge. If the Regoinal Director is not satisfied that the parties are complying, he issues a complaint and notice of hearing, charging violation of section 8 (b), (4) (D) of the act, and the proceeding follows the procedure outlined in §§ 202.8 to 202.15.

SUBPART F-PROCEDURE UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 202.35 Application for temporary relief or restraining orders. Whenever the Regional Director deems it advisable to seek temporary injunctive relief un-der section 10 (j), or whenever he de-termines that complaint should issue alleging violation of section 8 (b) (4) (A) (B) or (C) or whenever he deems it appropriate to seek temporary injunctive relief for a violation of section 8 (b) (4) (D) the officer or Regional Attorney to whom the matter has been referred will make application for appropriate temporary relief or restraining order in the District Court of the United States within which the unfair labor practice is alleged to have occurred or within which the party sought to be enjoined resides or transacts business.

§ 202.36 Change of circumstances. Whenever a temporary injunction has been obtained pursuant to section 10 (j) and thereafter the trial examiner hearing the complaint, upon which the determination to seek such injunction was predicated, recommends dismissal of such complaint, in whole or in part, the officer or Regional Attorney handling the case for the Board suggests to the District Court which issued the temporary injunction the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

[Series 5]

PART 203-RULES AND REGULATIONS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 449, 452, approved July 5, 1935, as amended by the Labor-Management Relations Act, 1947, Public Law 101, 80th Congress, first session, the National Labor Relations Board hereby issues the following rules and regulations, Series 5,

(General Rules and Regulations) which it finds necessary to carry out the provisions of said act. Said rules and regulations, Series 5, shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the Federal Register and shall supersede the rules and regulations, Series 4 (General Rules and Regulations) signed by the Board on Augusto 28, 1946. Said Series 4 are hereby rescinded. Those rules and regulations, Series 5 (General Rules and Regula-Those rules and regulations, tions) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

SUBPART A-DEFINITIONS

Sec.	
203.1	Terms defined in section 2 of the act.
203.2	Act. Board, Board Agent.

203.3 General Counsel.

203.4 Region.

203.5 Regional Director, Regional Attorney.

203.6 Trial examiner, hearing officer.

203.7 State.

203.8 Party.

SUBPART E-PROCEDURE UNDER SECTION 10 (8) TO (i) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES 1

Сћатде

203.9	Who may	file;	withdrawal	and	dis-
	missal.				

203.10 Where to file.

203.11 Form; jurat.

203.12 Contents.

203.13 Compliance with section 9 (f), (g), and (h) of the act. Service of charge.

203.15 When and by whom issued; contents; service.

Hearing; extension. Amendment. 203.16

203.17

203.18 Withdrawal.

203.19 Review by the General Counsel of refusal to issue.

Answer

203.20	Answer to complaint; time for filing	;
	contents; allegations not denie	đ
	deemed admitted.	

203.21 Where to file; service upon the parties; form; jurat. Extension of time for filing.

203.23 Amendment.

Liotions

203.24 Motions; where to file prior to hearing and during hearing; contents; service on other parties.

203.25 Ruling on motions; where to file motions after hearing and before transfer of case to Board.

203.26 Motions; rulings and orders part of record; rulings not to be appealed directly to Board without special permission.

203.27 Review of granting of motion to dismiss-entire complaints; reopening of record.

203.28 Filing of answer or other participation in proceedings not a waiver of rights.

203.29 Intervention; requisites; rulings on motions to intervene.

Witnesses, Depositions, and Subpenas

203.30 Examination of witnesses; depositions.

203.31 Issuance of subpenss; petitions to revoke subpenas; right to inspect or copy data.

203.32 Payment of witness fees and mileage; fees of percons taking depositions.

Transfer, Consolidation and Severance

203.33 Transfer of charge and proceeding from region to region; concolidation of proceedings in same region; ceverance.

Hearing

203.34 Who shall conduct; to be public unless otherwice ordered.

203.35 Duties and powers of trial examiners.

203.36 203.37

Unavailability of trial examiner. Disqualification of trial examiners. Rights of parties. 203.38

203.39 Rules of evidence controlling so far as practicable.

203.40 Stipulations of fact admissible.

203.41 Objection to conduct of hearing; how made; objections not waived by further participation.

203.42 Filing of briefs and proposed findings with the trial examiner and

oral argument at the hearing. Continuance and adjournment. 203,43

Contemptuous conduct; refusal of witness to answer questions. 203.44

Intermediate Report and Transfer of Case to the Board

203.45 Intermediate report and recommended order; contents; cervice; transfer of the case to the Board; contents of record in care.

Exceptions to the Record and Proceeding

203.46 Exceptions or supporting briefs; time for filing; where to file; cervice on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.
203.47 Filing of motion after transfer of

case to Board.

Procedure Before the Board

203.48 Action of Board upon expiration of time to file exceptions to inter-mediate report.

203.49 Modification or cetting saids of order of Board before record filed in court; action thereafter.

203.50 Hearings before Board or member thereof.

203.51 Settlement or adjustment of imues.

SUBPART C-PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUES-TIONS CONCERNING REPRESENTATION OF ELL-PLOYEES

203.52 Petition for certification or decertification; who may file; where to file; withdrawal.

Contents of petition for certification; 203.53 contents of petition for decertification.

203.54

Consent election agreements.

Investigation of petition by Regional
Director; notice of hearing; cervice 203.55 of notice; withdrawal of notice. Conduct of hearing. Motions; interventions.

203.56

203.57

Introduction of evidence; rights of parties at hearing; subpense.

Record; what constitutes; transmis-sion to Board. 203.59

203.60 Proceedings before the Board; further hearing; briefs; Board direction of

203.61 Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.

203.62 Run-off election.

Eec. 293.63 Refucal to icoue notice of hearing; appeals to Board from action of the Regional Director.

203.64 Filing patition with General Counsel; investigation upon motion of General Councel; transfer of petition and proceeding from region to General Councel or to another region; consolidation of proceedings in came region; severance; procedure before General Counsel in cases over which he has assumed jurisdiction.

SUPPART D-PROCEDURE FOR RESTREADURE UNDER SECTION 9 (e) OF THE ACT

203.65 Petition for referendum under section 9 (e) (1) of act; who may file; where to file; withdrawal.

203.68 Contents of petition.

293.67 Investigation of petition by Regional Director; concent referendum; directed referendum.

203.63 Hearing; post-hearing procedure.
203.63 Method of conducting balloting;
post-balloting procedure.
203.70 Refunal to conduct referendum; ap-

peal to Board.

203.71 Petition for referendum under section 9 (e) (2) of the act; who may file; where to file; withdrawal.

203.72 Contents of petition to rescind au-

thority.
Subsequent proceedings under sec-203,73 tion 9 (e) (2).

SUPPART E—PROCEDURE TO HEAR AND DETERMINE DESPUTES UNDER SECTION 10 (k) OF THE ACT

203.74 Initiation of proceedings; notice of

filing charge; notice of hearing. Adjustments of dispute; withdrawal

of notice of hearing; hearing. Proceedings before the Board; fur-203,76 ther hearings; briefs; certification. Compliance with certification; fur-

203.77 ther proceedings.
203.78 Review of certification.

BUDPART F-FROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

203,73 Expeditious processing of section 10 (j) cares.

203.ED Priority of cases pursuant to section 10 (1) of the act. 203.81

Expeditions processing of section 10 (1) cases in successive stages. 203,82

SUPPART C-SERVICE: OF PAPERS

203.83 Service of process and papers; proof of cervice.

Same; by parties; proof of service. _ Filing of proof of service. 203,85

203.88 Time; additional time after cervice by mail.

SUPPART H-CHARACATION AND SIGNATURE OF LOCULTERIES

203.87 Certification of papers and docu-

203.88 Signatures of orders.

EUDPART I-DECORES AND INFORMATION

203.89 Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject

203.90 Same; Board employees prohibited from producing files, records, etc., purcuant to subpens duces tecum, prohibited from testifying in regard thereto.

SUPPART J-FRACTICE EXFORE THE BOARD OF PORTER ENGINEER

203.91 Prohibition of practice before Ecard of its former Regional employees in cases pending in region during employment.

¹Procedure under section 10 (j) to (l) of the act is governed by Subparts E and F of these rules and regulations.

Sec. 203.92 Same; application to former employees of Washington staff.

SUBPART K-CONSTRUCTION OF RULES

203.93 Rules to be liberally construed.

Subpart 1—Enforcement of rights, privi-Leges, and immunities granted or guarantied under section 222 (1), communications act of 1934, as amended, to employees of merged telegraph carriers

203.94 Enforcement.

80th Cong.; 29 U.S. C. 156.

SUBPART M-AMENDMENTS

203.95 Amendment or rescission of rules.
203.96 Petitions for issuance, amendment or repeal of rules.
203.97 Action on petition.

Authority: §§ 203.1 to 203.97, inclusive, issued under sec. 6, 49 Stat. 452, Pub. Law 101,

SUBPART A-DEFINITIONS

§ 203.1 Terms defined in section 2 of the act. The terms, "person," "employer," "employee," "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used herein, shall have the meanings set forth in section 2 of the National Labor Relations Act, as amended by Title I of the Labor Management Relations Act, 1947.

§ 203.2 Act, Board, Board Agent. The term "act" as used herein shall mean the National Labor Relations Act, as amended. The term "Board" shall mean the National Labor Relations Board, and shall include any group of three or more members designated pursuant to section 3 (b) of the act. The term "Board agent" shall mean any member, agent or agency of the Board, including its General Counsel.

§ 203.3 General Counsel. The term "General Counsel" as used herein shall mean the General Counsel under section 3 (d) of the act.

§ 203.4 Region. The term "region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 203.5 Regional Director Regional Attorney. The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular region. The term "Regional Attorney" as used herein shall mean the attorney designated by the Board as Regional Attorney for a particular region.

§ 203.6 Trial examiner, hearing officer. The term "trial examiner" as used herein shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding. The term "hearing officer" as used herein shall mean the agent of the Board conducting the hearing in a proceeding under section 9 or in a dispute proceeding under section 10 (k) of the

§ 203.7 State. The term "State" as used herein shall include the District of Columbia and all States, Territories, and possessions of the United States.

§ 203.8 Party. The term "party" as used herein shall mean the Regional Director in whose region the proceeding is pending, and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the act, any person named as respondent, as employer, or as party to a contract in any proceeding under the act, and any labor organization alleged to be dominated, assisted, or supported in violation of section 8 (a) (1) or 8 (a) (2) of the act; but nothing herein shall be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of his interest only.

SUBPART B—PROCEDURE UNDER SECTION 10
(a) TO (i) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

Charge

§ 203.9 Who may file; withdrawal and dismissal. A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person. Any such charge may be withdrawn, prior to the hearing, only with the consent of the Regional Director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 203.45, upon motion, with the consent of the Trial Examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 203.45, upon motion. with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the Regional Director issuing the complaint. the Trial Examiner designated to conduct the hearing, or the Board.

§ 203.10 Where to file. Except as provided in § 203.33, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

§ 203.11 Form, jurat. Such charge shall be in writing, the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments. Four additional copies of such charge shall—be filed.²

§ 203.12 Contents. Such charge shall contain the following:

(a) The full name and address of the

person making the charge.

(b) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(c) The full name and address of the person against whom the charge is made

(hereinafter referred to as the "respondent")

(d) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

(e) If the charge is filed by a labor organization, a statement whether it and any national or fitternational labor organization, a statement whether it constituent unit, has complied with section 9 (f) (g), and (h) of the act.

(f) If the charge is filed by a labor organization and if it alleges that it is in compliance with the provisions of section 9 (f) and (g) of the act, the number and date of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Department of Labor.

§ 203.13 Compliance with section 9 (f) (g) and (h) of the act. (a) For the purpose of these Rules and Regulations, compliance with section 9 (f) and (g) of the act means (1) that the labor organization has a letter of compliance issued by the Secretary of Labor pursuant to the rules of the Department of Labor; and (2) that there is on file with the Regional Director, either as part of the charge or otherwise, a statement by an authorized representative of the labor organization under oath, that it has such letter, and giving the number and date thereof.

(b) For the purpose of these rules and regulations, compliance with section 9 (h) of the act means that a national and an international labor organization has on file with the General Counsel in Washington, D. C., and a local labor organization has on file with the Regional Director in the region in which the proceeding is pending:

(1) An affidavit by an authorized representative of the labor organization, under oath, executed contemporancously with the charge or within the preceding 12-month period, listing the titles of all offices of the organization and stating the names of the incumbents, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge or within the preceding 12-month period, stating that he is not a member of the Communist party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes no reaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

§ 203.14 Service of charge. Upon the filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the person against whom such charge is made. The Regional Director will as a matter of course, cause a copy of such charge to be served upon the person against whom the charge is made, but he shall not be deemed to assume responsibility for such service.

Complaint

§ 203.15 When and by whom issued; contents; service. After a charge has

² A blank form for making a charge will be supplied by the Regional Director upon request.

been filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon all the other parties a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the complaint.

§ 203.16 Hearing; extension. Upon his own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may extend the date of such hearing.

§ 203.17 Amendment. Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 203.45, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 203.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 203.18 Withdrawal. Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

§ 203.19 Review by the General Counsel of refusal to issue. If, after the charge has been filed, the Regional Director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person making the charge may obtain a review of such action by filing a request therefor with the General Counsel in Washington, D. C., and filing a copy of the request with the Regional Director, within 10 days from the service of the notice of such refusal by the Regional Director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

Answer

§ 203.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted. The respondent shall, within 10 days from the service of the complaint, file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 203.21 Where to file; service upon the parties; form; jurat. An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on each of the other parties. The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affirmed, and shall contain the post-office address of the respondent.

§ 203.22 Extension of time for filing. Upon his own motion or upon proper cause shown by any other party the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

§ 203.23 Amendment. The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

Motions

§ 203.24 Motion; where to file prior to hearing and during hearing; contents: service on other parties. All motions made prior to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an orignial and four copies of all such motions and immediately serve a copy thereof upon All motions each of the other parties. made at the hearing shall be made in writing to the Trial Examiner or stated orally on the record.

§ 203.25 Ruling on motions; where to file motions after hearing and before transfer of case to Board. The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 203.16, 203.22, 203.29, and 203.47). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies of his ruling to be served upon all the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 203.45, shall be filed with the trial examiner, care of the Chief Trial Examiner, in Washington, D. C., and a copy thereof shall be served on each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing. The trial examiner shall cause a copy of the same to be served upon each of the other parties, or shall make his ruling in the intermediate report. Whenever the trial. examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continue before the Board pursuant to § 203.50, the Board shall rule on such motion.

§ 203:26 Motions; rulings and orders part of record; rulings not to be appealed

directly to Board without special permiscton. All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 203.31. Unless expressly authorized by the rules and regulations, rulings by the Regional Director and by the trial examiner on motions, by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exceptions to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 203.46.

§ 203.27 Review of granting of motion to dismics entire complaint; reopening or record. If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner before filling his intermediate report, any party may obtain a review of such action by filling a request therefor with the Board in Washington, D. C., stating the grounds for review, and immediately on such filling shall serve a copy thereof on the Regional Director and the other parties. Unless such request for review is filed within 10 days from the date of the order of dismissal, the case shall be closed.

§ 202.28 Filing of answer or other participation in proceedings not a waver of rights. The right to make motions or to make objections to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

Intercention

§ 203.29 Intervention; requisites; rulings on motions to intervene. Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such motion shall be filed with the Regional Director 1831ing the complaint; during the hearing such motion shall be made to the trial examiner. An original and four comes of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. Regional Director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the other parties, or may refer to the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions made at the hearing or referred to him by the Regional Director, in the manner set forth in § 203.25. The Regional Director or the trial examiner, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

Witnesses, Depositions, and Subpenas

§ 203.30 Examination of witnesses; depositions. Witnesses shall be examined

orally under oath, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter_referred to as the "officer") Such application shall be made to the Regional Director prior tothe hearing, and to the trial examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 203.45 or § 203.50. Such application shall be served upon the Regional Director or the trial examiner, as the case may be, and upon all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or trial examiner, as the case may be, shall upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken and the time, the place, and the designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all the other parties by the Regional Director or upon all parties by the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary or Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c). At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact

shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the Regional Director or the trial examiner, care of the Chief Trial Examiner, in Washington, D. C.. as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any

part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 203.31 Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data. (a) Any member of the Board shall, on the written application of any party, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. Applications for subpenss, if filed prior to the hearing, shall be filed with the Regional Director. Applications for subpenas filed during the hearing shall be filed with the trial examiner. Applications for subpenas may be made ex parte. The suppena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person subpensed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena upon him, petition in writing to revoke the subpena. All petitions to revoke subpenas shall be served upon the party at whose request the subpena was issued. Such petition to revoke, if made prior to the hearing, shall be filed with the Regional Director and the Regional Director shall refer the petition to the trial examiner or the Board for ruling. Petitions to revoke subpenas filed during the hearing shall be filed with the trial examiner. Notice of the filing of petitions to revoke shall be promptly given by the Regional Director or the trial examiner, as the case may be, to the party at whose request the subpena was issued. The trial examiner or the Board, as the case may be. shall revoke the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The trial examiner or the Board, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke, any answer filed thereto, and any ruling thereon, shall

not become part of the official record except upon the request of the party aggreed by the ruling.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain.or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the non-public investigative stages of proceedings may, for good cause, be limited by the Regional Director to inspection of the official transcript of their testimony, but shall be entitled to make copies of documentary evidence or exhibits which they have produced.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the General Counsel shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate District Court for the enforcement of such subpena, but neither the General Counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same

before the Court.

§ 203.32 Payment of witness fees and mileage; fees of persons taking depositions. Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

Transfer Consolidation and Severance

§ 203.33 Transfer of charge and proceeding from region to region, consolidation of proceedings in same region; severance. Whenever the General Counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to § 203.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(a) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a Regional Office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region

The provisions of §§ 203.9 to 203.32, inclusive, shall, insofar as applicable, govern proceedings before the General Counsel pursuant to this section, and the powers granted to Regional Directors in

such provisions shall, for the purpose of this section, he reserved to and exercised by the General Counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this sub-part shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the atransfer is made.

Motions to sever proceedings may be filed before hearing, with the Regional Director, and during the hearing, with the trial examiner. The Regional Director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the Trial Examiner on motions to sever may be appealed to the Board in accordance with § 203.26.

Hearings

§ 203.34 Who shall conduct; to be public unless otherwise ordered. The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the Chief Trial Examiner, unless the Board or any member thereof presides. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the trial examiner.

§ 203.35 Duties and powers of trial exammers. It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The trial examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the rules and regulations of the Board and within its powers:

- (a) To administer oaths and affirmations:
- (b) To grant applications for subpenas;
- (c) To rule upon petitions to revoke subpenss;
- (d) To rule upon offers of proof and receive relevant evidence;
- receive relevant evidence;
 (e) To take or cause depositions to be taken whenever the ends of justice would

taken whenever the ends of justice would be served thereby.

- (f) To regulate the course of the hearmg and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;
- (g) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;
- (h) To dispose of procedural requests or similar matters, including motions referred to the trial examiner by the Regional Director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of intermediate reports (recommended decisions);

 To make and file intermediate roports in conformity with section 8 of the Administrative Procedure Act;

(j) To call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence;

(k) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

§ 203.36 Unavailability of trial examiners. In the event the trial examiner designated to conduct the hearing becomes unavailable to the Board after the hearing has been concluded and before the filing of his intermediate report, the Board may transfer the case to itself for purposes of further hearing or issuance of an intermediate report or both on the record as made, or may request the Chief Trial Examiner to designate another trial examiner for such purposes.

§ 203.37 Disqualification of trial examiners. A trial examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the trial examiner, at any time following his designation by the Chief Trial Examiner and before filing of his intermediate report, to withdraw on grounds of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the trial examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the trial examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or if the hearing has closed, he shall proceed with issuance of his intermediate report, and the provisions of § 203.26, with respect to review of rulings of trial examiners, shall thereupon apply.

§ 203.38 Rights of parties. Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the particlipation of any party shall be limited to the extent permitted by the trial examiner.

§ 203.39 Rules of evidence controlling so far as practicable. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., Title 28, secs. 723-B, 723-C)

§ 203.40 Stipulations of fact admissible. In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 203.41 Objection to conduct of hearing; how made; objections not waired by further participation. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 203.42 Filing of briefs and proposed findings with the Trial Examiner and oral argument at the hearing. Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the trial examiner who may fix a reasonable time for such filing, but not in excess of fifteen days from the close of the hearing. Requests for further extensions of time shall be made to the Chief Trial Examiner in Washington, D. C.

§ 203.43 Continuance and adjournment. In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice.

§ 203.44 Contemptious conduct; refusal of witness to answer questions.
Contemptious conduct at any hearing
before a trial examiner or before the
Board shall be ground for exclusion from
the hearing. The refusal of a witness
at any such hearing to answer any question which has been ruled to be proper
shall, in the discretion of the trial examiner, be ground for striking all testimony
previously given by such witness on related matters.

Intermediate Report and Transfer of Case to the Board

§ 203.45 Intermediate report and reccommended order; contents; service; transfer of the case to the Board; contents of record in case. After hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report and recommended order, but the initial decision shall be made by the Board. Such report shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law or discretion presented on the record, and the recommended order shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The trial examiner shall file the original of the intermediate report and recommended order with the Board and cause a copy thereof to be served upon each of the parties. Upon the filing of the report and recommended order, the Board shall enter an order transferring the case to the Board and shall serve

copies of the order, setting forth the date of such transfer, upon all the parties.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the intermediate report and recommended order and exceptions, shall constitute the record in the case.

Exceptions to the Record and Proceeding

§ 203.46 Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments. (a) Within twenty days or within such further period as the Board may allow from the date of service of the order transferring the case to the Board, pursuant to § 203.45, any party may file with the Board in Washington, D. C., an original and six copies of a statement in writing setting forth such exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections) as he relies upon, together with the original and six copies of a brief in support thereof, and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file an original and six copies of a brief in support of the intermediate report and recommended order, copies of which shall be immediately served on each of the other parties. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose.

(b) No matter not included in a statement of exceptions may thereafter be urged before the Board, or in any fur-

ther proceedings.

(c) Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within 10 days after the date of service of the order transferring the case to the Board pursuant to \$203.45. The Board shall notify the parties of the time and place of oral argument, if such permission is granted.

(d) Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(e) Briefs shall be in legible typewritten or printed form and shall contain references to the portions of the record relied upon and which it is desired that the Board examine.

§ 203.47 Filing of motion after transfer of case to Board. All motions filed after the case has been transferred to the Board pursuant to § 203.45 shall be filed with the Board in Washington, D. C., by transmitting an original and six copies thereof, together with an affidavit of service upon each of the parties

Procedure Before the Board

§ 203.48 Action of Board upon expiration of time to file exceptions to intermediate report. (a) In the event no statement of exceptions is filed as herein provided, the findings, conclusions, and recommendations of the trial examiner as contained in his intermediate report and recommended order shall be adopted by the Board and become its findings, conclusions and order, and all objections and exceptions thereto shall be deemed waived for all purposes.

(b) Upon the filing of a statement of exceptions and briefs, as provided in § 203.46, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with the recommendations of the intermediate report or may make other disposition of the case.

§ 203.49 Modification or setting aside of order of Board before record filed in court; action thereafter Within the limitations of the provisions of section 10 (c) of the act, and § 203.48 of these rules, until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 203.50, insofar as applicable.

§ 203.50 Hearings before Board or member thereof. Whenever the Board deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, it may, at any time after a complaint has issued pursuant to § 203.15 or § 203.33 order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member of the Board. The provisions of this subpart shall; insofar as applicable, govern proceedings before the Board or any member pursuant to this section, and the powers granted to trial examiners in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board or the member thereof who shall preside.

§ 203.51 Settlement or adjustment of issues. At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity to submit to the Regional Director with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

SUBPART C—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTA-TION OF EMPLOYEES

§ 203.52 Petition for certification or decertification; who may file; where to file; withdrawal. A petition for investigation of a question concerning representation of employees under paragraphs (1) (A) (i) and (1) (B) of section 9 (c) of the act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any in-

dividual or labor organization acting in their behalf or by an employer. A petition under paragraph (1) (A) (ii) of section 9 (c) of the act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. Petitions under this section shall be in writing,3 the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths or take acknowledgments. Four copies of the petition shall be filed. Except as provided in § 203.64, such petitions shall be filed with the Regional Director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the Regional Director for any of such regions. Prior to the close of the hearing, pursuant to § 203.55, the petition may be withdrawn only with the consent of the Regional Director with whom such petition was filed. After the close of the hearing, the petition may be withdrawn only with the consent of the Board. Whenever the Regional Director or the Board approves the withdrawal of any petition, the case shall be closed.

§ 203.53 Contents of petition for certification; contents of petition for decertification. (a) A petition for certification, when filed by an employee or group of employees or an individual or labor organization acting in their behalf, shall contain the following:

(1) The name of the employer.

(2) The address of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The names and addresses of any other persons or labor organizations who claim to represent any employees in the V alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in such unit.

(6) The number of employees in the alleged appropriate unit and the number who have designated the petitioner to

act.

(7) A statement that the employer declines to recognize the petitioner as the representative within the meaning of section 9 (a) of the act.

(8). The name, affiliation, if any, and address of the petitioner.

(9) If filed by a labor organization, a statement whether it and any national or international labor organization of which it is an affiliate or constituent unit are in compliance with section 9 (f), (g), and (h) of the act within the meaning of § 203.13.

(10) If filed by a labor organization and if it alleges that it is in compliance with the provisions of section 9 (f) and

³ Blank forms for filing such petitions will be supplied by the Regional Office upon request.

- (g) of the act, the number and date of expiration of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Department of Labor.
 - (11) Any other relevant facts.
- (b) A petition for certification, when filed by an employer, shall contain the following:
- (1) The name and address of the petitioner.
- (2) The general nature of the petitioner's business.
- (3) A brief statement setting forth that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of all employees in the unit claimed to be appropriate; a description of such unit; and the number of employees in the Unit.
- (4) The name or names, affiliation, if any, and addresses of the individuals or labor organizations making such claim for recognition.
- (5) A statement whether the petitioner has contracts with any labor organization or other representatives of employees and, if so, their expiration date.
 - (6) Any other relevant facts.
- (c) Petitions for decertification shall contain the following:
 - (1) The name of the employer.
- (2) The address of the establishments and a description of the bargaining unit involved.
- (3) The general nature of the employer's business.
- (4) Name and address of the petitioner and affiliation, if any.
- (5) Name or names of the individuals or labor organization, who have been certified or are being currently recognized by the employer and who claim to represent any employees in the unit involved, and the expiration date of any contracts covering such employees.
- (6) An allegation that the individuals or labor organization who have been certified or are currently recognized by the employer are no longer the representative in the appropriate unit as defined in section 9 (a) of the act.
- (7) The number of employees in the unit and the number who have designated the petitioner to act for them.
- (8) If filed by a labor organization, the same information required under paragraph (a) (9) and (10) of this section.
 (9) Any other relevant facts.

§ 203 54 Consent election agreements.

(a) Where a petition has been duly filed,

- the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the Regional Director, enter into a consent election agreement leading to a determination by the Regional Director of the facts ascertained after such consent election. Such agreement shall include a description of the appropriate unit, the time and place of holding the election, and the pay roll
- to be used in determining what employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the Regional Direc-

The method of conducting such

- consent election shall be consistent with the method followed by the Regional Director in conducting elections pursuant to §§ 203.61 and 203.62 except that the rulings and determinations by the Regional Director of the results thereof shall be final.
- (b) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the Regional Director, enter into an agreement providing for a waiver of hearing and a consent election leading to a determination by the Board of the facts ascertained after such consent election. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the pay roll to be used in determining which employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the Regional Director. The method of conducting such election and the post election procedure shall be consistent with that followed by the Regional Director in conducting elections pursuant to §§ 203.61 and 203.62.
- § 203.55 Investigation of petition by Regional Director; notice of hearing; service of notice; withdrawal of notice. After a petition has been filed, if no agreement such as that provided in § 203.54 is entered into and if it appears to the Regional Director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, he shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly af fected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the Regional Director on his own motion.
- § 203.56 Conduct of hearing. (a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 (c) of the act.
- (b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing, or by other appropriate notice.
- § 203.57 Motions; interventions. (a) All motions, including motions for intervention pursuant to paragraph (b) hereof, shall be in writing or, if made at the hearing, may be stated orally on the

- record, and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served upon each of the other parties to the proceeding. Motions made prior to the hearing shall be filed with the Regional Director, and motions made during the hearing shall be filed with the hearing officer. After the close of the hearing all motions shall be filed with the Board. The Regional Director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer for ruling, except that all motions to dismiss petitions shall be referred to the Board for appropriate action. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.
- (b) Any person desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. The Regional Director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.
- (c) All motions, rulings and orders shall become a part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party-aggrieved, as provided in § 203.58 (c) Unless expressly authorized by these rules and regulations, rulings by the Regional Director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board when it reviews the entire record.
- (d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceedings.
- § 203.58 Introduction of evidence; rights of parties at hearing; subpenas.
 (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party and the hearing officer shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.
- (b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(c) Applications for subpenas may be filed in writing by any party, with the Regional Director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpenas may be made ex parte. The Regional Director or the hearing officer, as the case may be, shall forthwith grant the subpenas requested. Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena, petition in writing to revoke the subpena. Such petition shall be filed with the Regional Director · Provided, however That if the evidence called for is to be produced at a hearing and the hearing has opened, the petition to revoke shall be filed with the hearing officer. Notice of the filing of petitions to revoke shall be promptly given by the Regional Director or hearing officer, as the case may be, to the party at whose request the subpena was issued. The Regional Director or the hearing officer, as the case may be, shall revoke the subpena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The Regional Director or the hearing officer, as the case may be, shall make a simple statement of procedural or other grounds for his ruling. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the record except upon the request of the party aggrieved by the ruling. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them.

(d) Contemptuous conduct at any hearing before a hearing officer or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing, for oral argument, which shall be included in the stenographic report of the hearing.

(f) The hearing officer may submit an analysis of the record to the Board but he shall make no recommendations.

(g) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 203.59 Record, what constitutes; transmission to Board. Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 203.60 Proceedings before Board; furthr hearing; briefs, Board direction of election; certification of results. The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to direct a secret ballot of the employees, or to-make other disposition of the matter. Should any party desire to file a brief with the Board, the original and six copies thereof shall be filed with the Board at Washington, D. C., within seven (7) days after the close of the hearing. Copies shall be served on all other parties to the proceeding. No reply brief may be filed except upon special leave of the Board.

-- § 203.61 Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of the board, hearing. Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the Regional Director in whose region the proceeding is pending. All elections shall be by secret ballot. Any party may be represented by observers of his own selection; subject to such limitations as the Regional Director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the Regional Director shall cause to be furnished to the parties a tally of the bal-Within five (5) days after such tally has been furnished any party may file with the Regional Director an origmal and three copies of objections to the conduct of the election or conduct affecting the results of the election. The objections shall contain a short statement of the reasons therefor. Copies thereof shall be served upon each of the other parties by the party filing such objections.

If no such objections are filed within the time set forth above, and if the challenged ballots are insufficient in number to affect the result of the election, the Regional Director shall, if no run-off election is to be held pursuant to § 203.62, forthwith forward to the Board in Washington, D. C., the tally of the ballots which, together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

If objections are filed to the conduct of the election or conduct affecting the results of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the Regional Director shall investigate the issues raised by such objections, challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots, objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within five (5) days from the date of service of the report on challenged ballots, objections, or both, the parties may file with the Board in Washington, D. C., an original and six copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall

serve a copy thereof upon each of the other parties, and shall file a copy with the Regional Director. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case.

The report on challenged ballots may be consolidated with the report on objec-

tions in appropriate cases.

If exceptions are filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material issues, the Board may direct the Regional Director or other agent of the Board to issue and cause to be served upon the parties, a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 203.56, 203.57, and 203.58, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203,60.

§203.62 Run-off election. (a) The Regional Director shall conduct a runoff election, without further order of the Board, when the results of the election are inconclusive because no choice receives a majority of the valid ballots cast and no objections are filed as provided in § 203.61 Only one run-off shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the run-off election shall be eligible

to vote in the run-off election.

(c) The ballot in the run-off election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(d) In the event the number of votes cast in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is equally divided among the choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the Regional Director shall declare the first election a nullity and shall conduct another election, providing for a selection between the three choices afforded in the original ballot; and he shall thereafter proceed in accordance with paragraphs (a) (b), and (c) of this section. Only one further election pursuant to this paragraph may be held.

(e) Upon the conclusion of the run-off election, the provisions of § 203.61 shall govern, insofar as applicable.

§ 203.63 Refusal to usue notice of hearing; appeals to Board from action of the Regional Director If, after a petition has been filed, it shall appear to the Regional Director that no notice of hearing should issue as provided in \$203.55, the Regional Director may dismiss the petition, and shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director within ten (10) days of service of such notice of dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.64 Filing petition with General Counsel; investigation upon motion of General Counsel; transfer of petition and proceeding from region to General Counsel or to another region; consolidation of proceedings in same region; severance: procedure before General Counsel in cases over which he has assumed jurisdiction. Whenever the General Counsel deems it necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, he may permit a petition to be filed with him in Washington, D. C., or may, at any time after a petition has been filed with a Regional Director pursuant to § 203.52, order that such petition and any proceeding that may have been instituted with respect thereto:

(a) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a Regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued

in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such Region;

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 203.52 to 203.63, inclusive, shall insofar as applicable, apply to proceedings before the General Counsel pursuant to this section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the General Counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer is madeSUBPART D-PROCEDURE FOR REFERENDUM UNDER SECTION 9 (e) OF THE ACT

§ 203.65 Petition for referendum under section 9 (e) (1) of act; who may file; where to file; withdrawal. A petition for authority to make an agreement requiring membership in a labor organization as a condition of employment, pursuant to section 9 (e) (1) of the act, may be filed by a labor organization, which is the representative of employees as provided in section 9 (a) of the act. Such petition shall be in writing,4 the original being signed and sworn to before any notary public, Board agent, or other person duly authorized by law to administer oaths or to take acknowledgments. Four copies of the petition shall be filed with the Regional Director wherein the bargaining unit exists, or, if the unit exists in two or more regions, with the Regional Director for any of such regions. The petition may be withdrawn only with the approval of the Regional Director with whom such petition was filed, except that if the proceeding has been transferred to the Board, pursuant to § 203.59, the petition may be withdrawn only with the consent of the Board. Upon approval of the withdrawal of any petition the case shall be closed.

§ 203.66 Contents of petition. Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit to be covered by the agreement if made.

(e) The number of employees in the unit.

(f) The names and addresses of any other persons or labor organizations who claim to represent any employees in the unit.

(g) The name, affiliation, if any, and address of the petitioner.

(h) The date of certification or date of recognition of the labor organization by the employer if there is no certification, or any other facts to support petitioner's claim to be the representative of the employees.

(i) The approximate number of employees within the unit who have authorized the petitioner to make such an agreement.

(j) A statement whether petitioner and any national or international labor organization of which it is an affiliate of constituent unit are in compliance with section 9 (f) (g) and (h) of the act, within the meaning of § 203.13.

(k) If it alleges that it is in compliance with the provisions of section 9 (f) and (g) of the act, the number and expiration date of the letter of compliance issued by the Secretary of Labor pursuant to the regulations of the Dapartment of Labor.

(1) Any other relevant facts.

§ 203.67 Investigation of petition by Regional Director; consent referendum; directed referendum. Where a patition has been filed pursuant to § 203.65 and it appears to the Regional Director that the petitioner has made an appropriate showing, in such form as the Regional Director may determine, that 39 per centum or more of the employees within an appropriate unit desire to author.ze the pelitioner to make an agreement with their employer requiring membership in the union as a condition of employment and when it further appears to the Regional Director that no question of representation affecting such employees exists, he shall proceed forthwith to conduct a secret ballot of the employees involved on the question whether they desire to authorize the petitioner to enter into such agreement: Provided, however That in any case in which it appears to the Regional Director that the proceeding raises questions which should be decided by the Board before election he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed therein. The Regional Director shall fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the Regional Director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting, by the Regional Director or by the Board.

§ 203.68 Hearing; post-hearing procedure. The method of conducting the hearing and the procedure following the hearing, including transfer of the case to the Board, shall be governed, insofar as applicable, by §§ 203.55 to 203.60, m-

§ 203.69 Method of conducting balloting; post-balloting procedure. The method of conducting the balloting and the post-balloting procedure shall be governed by the provisions of § 203.61. insofar as applicable.

§ 203.70 Refusal to conduct referendum; appeal to Board. If, after a petition has been filed, it shall appear to the Regional Director that no referendum should be conducted, he shall dismiss the petition. Such dismissal shall be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director, within 10 days from the service of notice of such dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.71 Petition for referendum under section 9 (e) (2) of the act; who may file: where to file; withdrawal. A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in a labor organization may be filed by, or by any employee or group of employees on behalf of, 30 per centum or more of the employees in a bargain-

Forms for filing such petitions will be supplied by the Regional Office upon request.

ing unit for which the labor organization has been authorized to make such an agreement with their employer. The provisions of § 203.65 shall apply in all other respects.

§ 203.72 Contents of petition to rescind authority. Such petition shall contain the following:

(a) The name of the employer.

- (b) The address of the establishments involved.
- (c) The general nature of the employer's business.
- (d) A description of the bargaining unit involved.
- (e) The name and address of the labor organization whose authority it is desired to rescind, and the date of the last referendum conducted by the Board.
- (f) The number of employees in the unit and the number on whose behalf the petitioner is authorized to act.
- (g) The date of execution and of expiration of any contract in effect covering the unit involved.
- (h) The name and address of the person designated to accept service of documents for petitioners.
 - (i) Any other relevant facts.

§ 203.73 Subsequent proceedings under section 9 (e) (2) Where a petition has been filed pursuant to § 203.71, and it appears to the Regional Director that the petitioner has made an appropriate showing, in such form as the Regional Director may determine, that 30 per centum or more of the employees within an appropriate unit for which the labor organization has been authorized to make an agreement with the employer requiring membership in such organization as a condition of employment, desire to rescind such authority, he shall proceed forthwith to conduct a secret ballot of the employees to determine whether they desire to rescind such authority. Provided, however That in any case in which it appears to the Regional Director that the proceeding raises questions which should be decided by the Board before the balloting is held, he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed therein.

The provisions of §§ 203.67 to 203.70, inclusive, shall, insofar as applicable, govern the proceedings.

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

§ 203.74 Initiation of proceedings; notice of filing charge; notice of hearing. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b) the Regional Director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A) (4) (B) and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b) If it appears to the Regional Director that further proceedings should be instituted, he shall cause to be served on all parties to the dispute out of which such unfair labor practice may have arisen a notice of the filing of said charge together with a notice of hearing before a hearing officer

at a time and place-fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute.

§ 203.75 Adjustment of dispute; withdrawal of notice of hearing; hearing. If, within 10 days after service of the notice of hearing the parties submit to the Regional Director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the Regional Director shall withdraw the notice of hearing and shall dismiss the charge. Hearings shall be conducted by a hearing officer and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 203.56 to 203.59, inclusive.

§ 203.76 Proceedings before the Board; further hearings; briefs; certification. Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, as it may determine, to certify the labor organization or the particular trade, craft or class of employees, as the case may be, which shall perform the particular work tasks in issue, or to make other disposition of the matter. Should any party desire to file a brief with the Board, an original and six copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. No reply brief may be filed except upon special leave of the Board.

§ 203.77 Compliance with certification; further proceedings. If, after issuance of certification by the Board, the parties submit to the Regional Director satisfactory evidence that they have complied with the certification, the Regional Director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the Regional Director may proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 203.9 to 203.51, inclusive, shall, insofar as applicable, govern.

§ 203.78 Remew of certification. The record of the proceeding under section 10 (k) and the certification of the Board thereon, shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review insofar as it is in issue, in proceedings to enforce or review the final order of the Board under 10 (e) and (f) of the act.

SUBPART F-PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 203.79 Expeditious processing of section 10 (j) cases. (a) Whenever temporary relief or a restraining order pursuant to section 10 (j) of the act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order shall be heard expeditiously and the case shall be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appro-

priate Circuit Court of Appeals) over all other cases except cases of like character and cases under section 10 (1) of the act.

(b) In the event the Trial Examiner hearing a complaint concerning which the Board has procured temporary relief or a restraining order pursuant to section 10 (j) recommends a dismissal in whole or in part of such complaint, the Regional Attorney shall forthwith suggest to the District Court which issued such temporary relief or restraining order, the possible change in circumstances arising out of the findings and recommendations of the Trial Examiner.

§ 203.80 Priority of cases pursuant to section 10 (l) of the act. Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of paragraph 4 (A), (B), or (C) of section 8 (b) of the act, the Regional Office in which such charge is filed or to which it is referred shall give it priority over all other cases in the office except cases of like character.

§ 203.81 Issuance of complaint promptly. Whenever the Regional Attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a District Court pursuant to section 10 (1) of the act, a complaint, covering the same subject matter as such application for injunctive relief, shall issue against the labor organization sought to be enjoined, within 5 days of the date upon which such injunctive relief is first sought.

§ 203.82 Expeditious processing of section 10 (1) cases in successive stages. Any complaint issued pursuant to § 203.80 shall be heard expeditiously and the case shall be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate Circuit Court of Appeals) over all cases except cases of like character.

SUBPART G-SERVICE OF PAPERS

§ 203.83 Service of process and papers; proof of service. Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return postoffice receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 203.84 Same; by parties; proof of service. Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 203.85 Filing of proof of service. The person or party serving the papers or process on other parties in conformance with §§ 203.83 and 203.84 shall make proof of service thereof to the Board promptly and in any event within the time during which the parties are required to be served. Failure to make proof of service does not affect the validity of the service.

§ 203.86 Time; additional time after service by mail. In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run, is not to be in-cluded. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event, the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 203.87 Certification of papers and documents. The Executive Secretary of the Board, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 203.88 Signatures of orders. The Executive Secretary, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, is hereby authorized to sign all orders of the Board.

SUBPART I-RECORDS AND INFORMATION

§ 203.89 Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection. (a) The formal documents described as the record in the case or proceeding and defined in §§ 203,45, 203.59, and 203.61 are matters of official record, and are available to inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate Regional Office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs; Provided, however That if the Board, the General Counsel, or the Regional Director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential, such matter shall not be available for public inspection or examina-

tion. Application for such inspection, if desired to be made at the Board's offices in Washington, D. C., shall be made to the Executive Secretary or the General Counsel, as the case may be, and if desired to be made at any Regional Office, shall be made to the Regional Director. The Executive Secretary, General Counsel, or the Regional Director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the Executive Secretary, General Counsel, or the Regional Director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other

(b) All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any Regional Office of the Board at its address as published in the FEDERAL REGIS-TER, or to the Director of Information in Washington. Subject to the provisions of §§ 203.31 and 203.58, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposition of charges or petitions during the non-public investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a trial examiner or hearing officer or have not been made part of an official record by stipulation, whether in the Regional Offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its Chairman, the General Counsel, or any Regional Director.

§ 203.90 Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibited from testifying in regard thereto. No Regional Director, field examiner, trial examiner, attorney, specially designated agent, General Counsel, member of the Board or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other Board, Commission, or other administrative agency of the United States or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena.

subpana duces tecum or otherwise, without the written consent of the Board or the Chairman of the Board, if the official or document is subject to the supervision or control of the Board; or the General Counsel if the official or document is subject to the supervision or control of the General Counsel. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will. unless otherwise expressly directed by the Board or the Chairman of the Board, or the General Counsel, as the case may be, appear in answer thereto and respectfully decline by reason of this rule to produce or present such files, documents, reports, memoranda or records of the Board or give such testimony.

SUBPART J—FRACTICE BEFORE THE BOARD OF FORLIER EMPLOYEES

§ 203.91 Prohibition of practice before Board of its former Regional employees in cases pending in region during employment. No person who has been an employee of the Board and attached to any of its Regional Offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any Regional Office to which he was attached during the time of his employment with the Board.

§ 203.92 Same; application to former employees of Washington staff. No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any Regional Offices during the time of his employment with the Board.

SUPPART K-CONSTRUCTION OF RULES

§ 203.93 Rules to be liberally construed. The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIEDS

§ 203.94 Enforcement. All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, G, H, I, and K of these rules and regulations, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART M-AMENDMENTS

§ 203.95 Amendment or rescussion of rules. Any rule or regulation may be

amended or rescinded by the Board at any time.

§ 203.96 Petitions for issuance, amendment or repeal of rules. Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and five copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended or repealed, together with a statement of grounds in support of such petition.

§ 203.97 Action on petition. Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

Signed at Washington, D. C. this 19th day of August 1947, effective August 22, 1947.

NATIONAL LABOR RELATIONS
BOARD,

[SEAL] PAUL M. HERZOG;

Chairman.

JOHN M. HOUSTON,

Member James J. Reynolds,

Member

[F. R. Doc. 47-7890; Filed, Aug. 21, 1947; 11:18 a. m.]

TITLE 34-NAVY

Chapter I-Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

STAFF OF CHIEF OF NAVAL OPERATIONS

Amend § 26.14 (b) (11 F R. 177A-174, 12 F. R. 3273, 4077) to read as follows:

§ 26.14 Staff of the Chief of Naval Operations. * * *

(b) The duties of the Vice Chief of Naval Operations, the various Deputy Chiefs of Naval Operations, the Naval Inspector General, and the Chief of the General Planning Group are as follows:

(1) Vice Chief of Naval Operations. To act as principal assistant and advisor to the Chief of Naval Operations.

To direct the activities of the General Planning Group.

To coordinate the efforts of the Deputy

Chiefs of Naval Operations.

To have cognizance over general matters in connection with the Joint Chiefs

of Staff, the Combined Chiefs of Staff, and other like agencies.

To perform such other duties as the Chief of Naval Operations may delegate.

(2) Naval Inspector General. To inquire into and report upon all matters which affect the efficiency and economy of the United States naval service (as may be required by law or directed by the Chief of Naval Operations, or higher authority)

(3) Deputy Chief of Naval Operations (Personnel) To act as principal advisor to the Chief of Naval Operations on personnel matters in general.

To formulate personnel plans and policies for the military personnel of the naval establishment and to coordinate naval personnel plans with those of the Army

To prepare the implementing directives for all approved personnel plans and policies and to disseminate information thereof as necessary.

To control the overall allocation of naval personnel through the medium of the Basic Personnel Plan and to transmit to the Bureau of Naval Personnel the directives necessary for its implementation.

To keep under constant review the personnel allowances of the Navy Department and the naval establishment to determine their minimum essential requirements.

To coordinate training of naval personnel except fleet and flight training.

To advise the Chief of Naval Operations regarding the appointment and assignment of flag officers.

To maintain close liaison with all other Deputy Chiefs of Naval Operations in order to be fully informed of all strategic and logistic plans and all changes thereto, which affect personnel requirements.

To maintain close liaison with the Joint Chiefs of Staff, Army, Marine Corps and other Government departments in matters concerning personnel through joint personnel boards and agencies.

To insure coordination and direction of effort, where naval personnel matters are concerned, between bureaus and offices of the Navy Department, in accordance with the requirements of General Order No. 247,

To have primary cognizance of general personnel legislation.

To maintain primary liaison with the Bureau of Naval Personnel in order to provide the essential link between operational and personnel requirements.

(4) Deputy Chief of Naval Operations (Administration) To administer the Office of the Chief of Naval Operations in a manner which will facilitate the effective and expeditious conduct of the business of that office.

To insure that classified mail and files are handled in accordance with existing regulations, and that all security regulations are complied with.

To insure that all matters pertaining to military and civilian personnel in the Office of the Chief of Naval Operations, and all other tasks assigned, are performed in a manner in consonance with existing policies and procedures.

To direct the conduct of Naval District Administrative Affairs under the cognizance of the Chief of Naval Operations.

To maintain effective liaison with the State Department and other Government departments for the purpose of reaching prompt and satisfactory solutions in administrative matters of common interest.

To establish and maintain effective civil government in those islands for which the Navy is responsible.

To supervise and coordinate Pan American Naval matters and the relations of Pan American navies with the U.S. Navy in a manner to prepare them for carrying out their obligations underinter-American defense agreements.

To establish and control U. S. Naval Missions to foreign governments.

To supervise the establishment and operation of a naval communication system adequate to meet the command and administrative requirements of the naval establishment.

To supervise the Naval Observatory and the Hydrographic Office.

To supervise the Naval Records and Library and the Naval Curator.

To review, coordinate and recommend implementation of organizational matters within the Office of the Chief of Naval Operations to the end that the office will operate according to a sound functional plan consistent with the best possible utilization of personnel and funds available.

(5) Deputy Chief of Naval Operations (Operations), To formulate strategic plans and policies.

To advise concerning politico-military affairs, particularly those involving foreign policy.

To insure the operational development and operational readiness of the operating forces and bases assigned to a fleet command.

To review and formulate requirements and conduct operational evaluation of new material developments and to coordinate all development plans and programs except those pertaining to aircraft and guided missiles which will be coordinated through agreement with the Deputy Chief of Naval Operations (Air)

To determine strategic and operational requirements for bases designated for the support of the operating forces. To furnish the Deputy Chief of Naval Operations (Logistics) and the Deputy Chief of Naval Operations (Air) guidance on strategical, command and operational requirements, and on defense, for all bases.

To supervise the Naval Intelligence Service. To furnish the fleets and naval establishment with such information on foreign navies and nations, on the war potential and intentions of such nations, and on military developments in those countries as is essential to the readiness of our forces for war. To safeguard the fleets and shore establishment from espionage and subversive activities.

To implement the coordinating and supervisory functions of the Chief of Naval Operations with respect to joint military agencies (both international and United States) for the conduct of strategic evaluation, military operations and planning, and for coordination of naval and foreign policy.

To guide the mission of the Naval War College, collaborating with the Deputy Chief of Naval Operations (Logistics) with respect to the logistic phases.

To guide, in naval matters, the naval members of staffs of Joint, Army and Air colleges.

To supervise matters pertaining to the military application of atomic energy.

(6) Deputy Chief of Naval Operations (Logistics) To initiate, develop and implement logistic plans and policies in accordance with approved war and operating plans.

To determine the materiel requirements of the naval establishment, and the naval characteristics of materiel to be developed and procured, and issuing statements of these requirements to the bureaus and offices of the Navy Department.

To control the distribution and disposal of all materiels (including petroleum) for logistic support throughout the naval establishment.

To coordinate and direct the priorities of construction and maintenance of naval vessels and bases.

To coordinate and direct the logistic efforts of the bureaus and offices of the Navy Department in their support of the operating forces. To review and evaluate the progress of the bureaus and offices of the Navy Department and the naval shore establishment in fulfilling the stated requirements for logistic support. To integrate and coordinate logistic direction and programs within the naval establishment to avoid conflict and to provide the best practicable over-all logistic direction for the development and support of the naval establishment.

To collaborate with the Material Division, Office of the Assistant Secretary of the Navy, in obtaining expeditious fulfillment of the stated requirements.

To supervise the Board of Inspection and Survey.

To coordinate naval logistics efforts with the Army and other Government agencies.

To coordinate with the Army programs and projects for the common utilization of facilities.

To represent the Chief of Naval Operations on Joint Logistic Agencies.

In accordance with the Navy War Planning System, to review the Navy Basic Logistic Plan and Navy Logistic Plans (Code).

(7) Deputy Chiēf of Naval Operations (Air). To act as principal advisor to the Chief of Naval Operations on aviation matters in general and on the development of guided missiles.

To act as representative, when appropriate, of the Chief of Naval Operations in major air matters and guided missile developments involving relations with the Army Air Forces and with other Governmental agencies.

To be responsible for the preparation, readiness and logistic suport of the aeronautical elements of the naval establishment, coordinating and directing the efforts of the bureaus and offices of the Navy Department to this end.

To review and formulate requirements for and to guide, coordinate and evaluate development of guided missiles and related devices. To coordinate the policies and general plans incident to the execution of the above.

To be responsible for the plans, readiness and logistic support of the entire aviation shore establishment, continental and extra-continental, including: (i) Basic planning for all establishments exclusively aviation in character and aviation requirements at all other establishments. These plans shall include requirements for air operations, capacities, facilities, personnel, equipment and maintenance; (ii) formulation of policles, plans and programs for aviation stations or aviation bases and for the readiness of aircraft and personnel therein; (iii) forwarding the plans and programs for aviation requirements at all establishments, prior to promulgation or implementation, to the Deputy Chief of Naval Operations (Logistics) for integration and coordination with the over-all Navy plans and programs, rendering such assistance as may be required to permit the best practicable over-all plans for the development and operation of each such establishment; (iv) coordination and direction of effort of bureaus and offices of the Navy Department to insure the logistic support of all aviation stations, aviation bases, and aviation facilities for personnel, material, equipment and supplies that are primarily aviation in character; (v) maintenance of up-to-date records and statistics on all aviation stations or aviation bases, including capacities, facilities, status and activities supported; (vi) maintenance of appropriate liaison for the Navy Department with other agencies of the Government, when necessary, in regard to aviation station or aviation base matters; (vii) maintenance of membership on boards, committees and councils concerned with aviation station or aviation base matters; (vili) the Deputy Chief of Naval Operations (Air) shall keep the Deputy Chief of Naval Operations (Logistics) fully informed on all matters af-fecting naval establishments which are to be discussed or have been discussed with other agencies of the Government, prior to any commitments which may have any effect upon the plans or programs for, or the development of, any such establishments, and agreement with the over-all Navy plans and programs shall be reached prior to any such commitments; (ix) designation of aviation personnel for duty with the Deputy Chief of Naval Operations (Logistics), all such aviation personnel shall be ordered to additional duty with the Deputy Chief of Naval Operations (Air), and (x) maintenance of close liaison with the Deputy Chief of Naval Operations (Logistics) and collaboration in all matters that affect the responsibilities of both organizations.

To supervise the activities of the Coordinator, Naval Air Reserve.

(Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1011)

James Fornestal, Secretary of the Navy.

[F. R. Doc. 47-7837; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I-Post Office Department

PART 22—TREATMENT OF MAIL MATTER RECEIVED FROM FOREIGN COUNTRIES IN-VOLVING THE CUSTOMS REVENUE

BONA FIDE GIFTS FROM A MEMBER OF THE ARMED FORCES OF THE UNITED STATES

CROSS REFERENCE: For exception to the requirements of § 22.9 with regard to customs invoices in the shipment of bona fide gifts under Public Law No. 790, see § 54.3 (e) of Title 19, supra.

TITLE 47—TELECOMMUNI-CATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

APPLICATIONS FOR EXPERIMENTAL STATIONS

In the matter of amendment of § 1.144 (b) of Part 1 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August 1947:

The Commission having under consideration a proposal whereby applications for Experimental Class 2 (Industrial) radio stations could be reviewed and determined by duly authorized officials of the Commission rather than by members of the Commission; and

It appearing, that a delegation of such authority would facilitate administrative determinations with respect to such applications and would be of great assistance to the applicants who would be in a better position to reach early conclusions regarding associated matters;

It appearing further, that such determinations do not involve matters of Commission policy and that the proposed delegation is authorized by the Communications Act of 1934, as amended; and

It appearing further, that § 1.144 (b) (11 F. R. 177A-407, 13793) of the Commission's rules and regulations provides that certain applications in the experimental services may be acted upon by the Secretary, or, in his absence, the Acting Secretary, upon receiving the approval of the General Counsel and the Chief Engineer: and

Chief Engineer; and
It appearing further, that the proposed change is procedural and that notice of proposed rule making pursuant to section 4 of the Administrative Procedure Act is not required:

It is ordered, That effective immediately, § 1.144 (b) of the Commission's rules and regulations be amended to read as follows:

§ 1.144 Authority delegated to Secretary upon securing approval of the Law and Engineering Departments. * * *

(b) Applications for Class 1 and Class 3 experimental stations and all applications for Class 2 experimental stations

both in established services and in the proposed General Mobile Service, the proposed Rural Radiotelephone Service, the proposed Industrial Radio Service, and for radar nayigational aid stations, except

(1) Those falling under §§ 1.121 and 1.141.

(2) Those rendering or proposing to render a common carrier service.

(Secs. 3, 12, 60 Stat. 238, 244; 54 U. S. C. Sup. 1011)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 47-7856; Filed, Aug. 21, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 552]

PART 95-CAR SERVICE

CONTROL TIDEWATER COAL AND COKE;
APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August A. D. 1947

It appearing, that there is a shortage of railway cars for transporting coal and coke to north Atlantic ports for transshipment by vessels; that at certain times such carriers are unable to transport coal over billed routes and it must be diverted via other routes to the same or other facilities within the original destination port area; that at certain times coal must be embargoed because of port congestion; in the opinion of the Commission an emergency exists requiring immediate action in the eastern section of the country. It is ordered, that:

(a) Appointment of agent to control movement of tidewater coal. W. R. Godber, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bituminous Emergency Bureau, 143 Liberty Street, New York, N. Y., is hereby designated and appointed agent of the Interstate Commerce Commission and, subject to the direction and supervision of the Director, Bureau of Service, vested with authority to control the use of railroad cars for transporting coal and coke, all kinds, to be transshipped by vessels at New York, New Jersey, Delaware, Pennsylvania and Maryland ports or to be stored in yards shown in Trunk Line Tariff Bureau Tariff No. 139-C, I. C. C. No. A-751, or in Trunk Line Tariff Bureau Tariff No. 138-B, I. C. C. No. 750, supplements thereto or reissues thereof.

(b) Outline of Agent's duties. In accordance with directions and instructions of the Director, Bureau of Service, the

Agent shall:

(1) Lay an embargo or embargoes; issue, suspend, modify or revoke permits or refuse to issue, suspend, modify or revoke permits to depart from such embargo or embargoes.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars to and through the ports referred to in this order and to prevent congestion thereat, all for the purpose of better utilizing the available

supply of said cars.

(3) Reroute and divert cars loaded with coal and coke, all kinds, moving to or through the ports or storage yards, named in paragraph (a) of this order, from the line or piers of any railroad which in the Agent's opinion cannot currently accept and move such traffic, over the lines or piers of any other railroad or railroads less congested. Such diversion shall be made at any intermediate point en route, or at point of origin. The diversion shall be made without regard to the routing shown on the bill of lading or whether designated by shipper or carrier.

(c) Rates to be applied. When commodities subject to this order are diverted or rerouted pursuant to this order, it is deemed to be due to carriers' disability rates applicable to traffic so forwarded shall be those which would have applied to the shipments if—such shipments had moved as originally routed.

(d) Division of rates. In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Rules, regulations and practices suspended. The operation of all rules, regulations and practices insofar as they conflict with the provisions of this order

is hereby suspended.

(f) Interstate-intrastate application. The provisions of this order shall apply to intrastate as well as interstate and foreign traffic.

(g) Effective date. This order shall become effective at 12:01 a. m., August

21, 1947.

(h) Expiration date. This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W P Bartel, Secretary.

[F. R. Doc. 47-7849; Filed, Aug. 21, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

United States Coast Guard

[46 CFR, Parts 32, 33, 35, 43, 45, 46, 52, 54, 55, 59, 60, 62, 63, 76, 79, 97, 116, 141, 144, 160]

[CGFR 47-42]

MERCHANT MARINE COUNCIL PUBLIC HEARING

NOTICE OF PROPOSED CHANGES IN REGULATIONS

1. The Merchant Marine Council will hold a public hearing at Coast Guard Headquarters, 13th and E Streets, NW., Washington, D. C., on September 23 and 24, 1947. The meetings will convene at 9:30 a.m. and the agenda for this hearing is as follows:

September 23. Vessel plans and specifications; load line survey report; distress signals; specifications for distress signals; electrical ventilation systems and wire insertedglass; and marine engineering regulations.

September 24. Boundary line separating inland waters from high seas; lights and passing signals; manning of seagoing barges; and approvals and termination of approvals of equipment.

2. The proposed changes in the regulations together with the authorities for making such changes are generally described by subjects in paragraphs 4 to 24, inclusive, below. Copies of the pro-

posed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under consideration. Copies of any of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available.

23. Comments on the proposed changes in the regulations are requested which may be submitted in writing on or before September 21 to the Commandant (CMC) Coast Guard Headquarters, Washington 25, D. C., or presented orally or in writing at the hearing. In order to insure thorough consideration and to facilitate checking and recording of com-

ments, it is requested that each reworded proposed regulation be submitted on a separate sheet of letter-size paper showing the section number as given in the agenda (if not possible then the subject); the proposed change; and the name, business firm, if any, and address of submitter. The comments received on or before September 21 or at the hearing will be considered before recommendations are made to adopt the proposed regulations.

VESSEL PLANS AND SPECIFICATIONS

4. The regulations in 46 CFR 31.3-3. 31.3-4, 46.024, 52.1-2, 63.5, 63.8, 63.15, 79.5, 79.8, 79.21, 97.5, 97.8, 97.19, 116.5, 116.8, 116.19, and 144.05 are being revised in accordance with a request received from representatives of the merchant marine industry so that each group of regulations published by the Coast Guard will contain a definite listing of the vessel plans which are required to be submitted for approval. While all the plans listed will not be applicable to every type of vessel, it is intended that only such plans be submitted as will show clearly the vessel's arrangement, construction, and equipment. The proposed regulations also set forth the procedure for plan approval. The applicable sections appear in the Tank Vessel Regulations, Load Line Regulations, Marine Engineering Regulations, Ocean and Coastwise General Rules and Regulations, Great Lakes General Rules and Regulations, Bays, Sounds, and Lakes Other Than the Great Lakes General Rules and Regulations, Rivers General Rules and Regulations, and the Regulations Regarding Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery.

5. The authority for regulations regarding submission of vessel plans and specifications is in R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4488, 4491, as amended, 45 Stat. 1493, 49 Stat. 888, 1384, 1544, sec. 2, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244; 46 U.S.C. 85a, 88a, 367, 369, 375, 391a, 392, 404, 411, 412, 463a, 481, 489, 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

LOAD LINE SURVEY REPORT

6. At an International Conference of Classification Societies in Rome in 1939 an agreement was reached whereby a copy of the original load line survey made for a vessel would be placed on board such vessel. This record was to be available for the information of inspectors and surveyors when carrying out further load line surveys. Because of the war this agreement was never put into practice. After a discussion of the matter with the American Bureau of Shipping, it was proposed that copies of the original load line surveys would be placed only on new vessels receiving their first load line certificates after January 1. 1948, and that it was impracticable to place a copy of the original load line survey on board all existing vessels. Accordingly, it is proposed to amend 46

CFR 43.09, 45.07, and 46.018 to require that each vessel receiving its first load line certificate after January 1, 1948, shall be furnished a copy of its load line survey report. This report is to be retained on board the vessel and made available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

7. The authority for the new regulations on load line survey reports is in sec. 2, 45 Stat. 1493 and sec. 2, 49 Stat. 888; 46 U. S. C. 85a, 88a; and sec. 101, Reorganization Plan No. 3 of 1946, 11

F. R. 7875.

DISTRESS SIGNALS

8. It is proposed to amend the present regulations prescribing the distress signals to be carried in lifeboats and life rafts and in pilothouses of Great Lakes vessels by 46 CFR 33.3-1, 33.3-2, 33.3-6, 33.8-1, 59.11, 59.52, 60.9, 60.45, 76.14, 76.48, and 76.60. The applicable sections appear in the Tank Vessel Regulations, Ocean and Coastwise General Rules and Regulations, and Great Lakes General Rules and Regulations. The proposed amendments delete specification requirements now contained in certain regulations, as well as to alter general requirements for distress signals. It is proposed to allow the hand combination flare and smoke distress signals as a substitute for either or both of the hand distress signals and daytime distress signals, require all distress signals to bear a date of manufacture, limit service time use of distress signals to a period of three years from date of manufacture and any signals not bearing date of manufacture shall not be carried on vessels on and after January 1, 1949.

9. The specifications to be followed by manufacturers for hand red flare distress signals, floating orange smoke distress signals, and hand combination flare and smoke distress signals will also be considered. It is proposed to place them in 46 CFR, Chapter I, as §§ 160.021, 160.022, and 160.023, respectively, in Subchapter Q-Specifications. The specifications cover materials, workmanship, construction, performance requirements, inspections, samples, tests, labeling, marking, and procedure for approval. Distress signals for merchant vessels will be approved only by the Commandant, U. S. Coast Guard.

10. The authority for regulations on distress signals is in R. S. 4405, 4417a, 4488, 4491, as amended, 49 Stat. 1544, sec. 5 (e), 55 Stat. 244; 46 U.S. C. 367, 375, 391a, 481, 489, 50 U.S. C. 1275, and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

ELECTRIC VENTILATION SYSTEMS AND WIRE-INSERTED GLASS (PASSENGER VESSELS)

11. It is proposed to amend 46 CFR 144.15' (c) and 144.17 (b) to allow the installation of wire-inserted glass in certain doors and windows. This is a relaxation from the present require-

12. The requirements for electrical ventilation systems in 46 CFR 144.25 (j) are also to be revised. The proposed changes require the system to be of the undervoltage protection type and the placing of emergency controls in glass covered boxes properly marked and identified.

13. The authority for the regulations on passenger vessels is contained in R. S. 4405, as amended, 49 Stat. 1384 and 54 Stat. 1028; 46 U.S.S. 369, 375, 463a; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

MARINE ENGINEERING REGULATIONS; BOILERS, PIPING, AND VALVES

14. It is proposed to amend 46 CFR 54.18-3 and 54.18-4 covering tests and inspection of boilers in service by requiring water-tube boilers to be subjected to a hydrostatic test at least once in every four years instead of annually. This is a relaxation from present requirements.

15. The requirements for piping in 46 CFR 55.19-3 (n) and 55.19-5 (h) are to be revised. The proposed changes will require that valves exceeding two inches nominal pipe size diameter and used for class I piping shall have bolted or pressure seal bonnets and flanged or welding ends instead of flanged ends and bolted bonnets; and the piping which may be run through deep tanks or fuel tanks for bilge and ballast piping are not required to have a pipe tunnel if the piping is extra heavy, expansion bends are fitted, and all joints within the tanks are welded.

16. The authority for the regulations covering bollers, valves, and piping is in R. S. 4405, 4417a, 4418, 4426, 4429-4434, as amended, 49 Stat. 1544, sec. 2, 54 Stat. 1026, and sec. 5 (e), 55 Stat. 244; 46 U. S. C. 367, 375, 391a, 392, 404, 407-412, 463a, 50 U.S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R.

EOUNDARY LINES EETWEEN HIGH SEAS AND INLAND WATERS

17. It is proposed to revise the boundary lines for certain inland waters along the Atlantic Coast, Gulf Coast, and Pacific Coast as set forth in 33 CFR 302.5, 302.10, 302.15, 302.25, 302.30, 302.35, 302.40, 302.55, 302.65, 302.80, 302.89, 302.90, 302.95, 302.100, 302.105, 302.110, 302.115, and 302.135. The proposed changes are for the most part editorial in nature and correct the names or characteristics of certain aids to navigation used to describe the lines separating inland waters from the high seas. These changes are necessary since either the names or characteristics of certain aids to navigation have changed or were discontinued. The changes apply to all harbors on the coast of Maine, New Hampshire, and Massachusetts between West Quoddy Head, Maine, and Cape Ann Lighthouse, Massachusetts; Massachusetts Bay. Nantucket Sound, Vineyard Sound, Buzzards Bay, Narragansett Bay, Block Island Sound, and Easterly Entrance to Long Island Sound; Delaware Bay and tributaries: Charleston Harbor; Savannah Harbor; Florida Reefs and Keys from Miami to Marquesas Keys, San Carlos Bay and tributaries; Tampa Bay and tributaries; Apalachee Bay, Florida, Carrabelle River and Apalachicola River, Florida; sounds, lakes, and harbors on the coast of Alabama, Mississippi, and Louisiana from Mobile Bay, Alabama, to Barataria Bay, Louisiana, including the Delta of the Mississippi River; Mobile and Mississippi Rivers, Sabine Pass, Texas; Galveston Harbor; Brazos River, Texas; and San Pedro Bay.

18. Proposed regulations will be considered for the establishment of boundary lines separating mland waters from the high seas in the principal harbors of Puerto Rico and the Virgin Islands. At present the general rule for the lines dividing inland waters from the high seas has been followed. The proposed regulations will apply to the harbors at San Juan, Arecibo, Mayaguez, Guanica, Guayanilla, Ponce, Jobos, St. Thomas, and Christianstead. It is proposed to establish lines around Vieques Sound. It is proposed to number these regulations as 33 CFR 302.200, 302.205, 302.210, 302.215, 302.220, 302.225, 302.230, 302.235, 302.240, and 302.245, respectively. The Commander, 10th Coast Guard District, will also hold a public hearing on these proposed regulations and all comments and suggestions made at that hearing will form a part of the record and be considered as a part of this hearing.

19. The authority for regulations establishing boundary lines of inland waters is in section 2, 28 Stat. 672; 33 U. S. C. 151, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

LIGHTS AND PASSING SIGNALS

20. It is proposed to amend the regulations in 33 CFR 312.18 to 312.31, inclusive, in order that these regulations will be the same as similar regulations to be prescribed by the War Department. Under present statutory authority the Commandant of the Coast Guard prescribes the lights and day signals for vessels, dredges of all types, and vessels working on wrecks and obstructions, while navigating certain inland waters along the Atlantic Coast, Gulf Coast, and Pacific Coast, while the War Department prescribes similar lights and signals for vessels navigating on the Great Lakes and Mississippi River and its tributaries. At a conference of representatives of the War Department and the Coast Guard it was proposed to have all the regulations on these lights and passing signals to be identical. It is proposed to change the regulations regarding signals to be displayed by towing vessels when towing a submerged or partly submerged object upon a hawser when no signals are displayed upon the object which is towed; steamers, derrick boats, lighters, or other types of vessels when made fast along the side of a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting; self-propelling suction dredges under way with their suction on the bottom: vessels moored or anchored and engaged in laying by or operating on submarine construction or excavation; vessels moored or at anchor; passing signals; aids to navigation marking floating-plant moorings; and clearing of channels. Numerous editorial changes which do not materially affect present requirements are proposed as well as a new requirement for vessels moored or anchored and engaged in mat sinking, bank grading, dike construction, revetment or other bank protection-operations; and floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

21. The authority for the revised regulations is in section 2, 30 Stat. 102, as amended by 38 Stat. 381, and R. S. 4405, as amended; 33 U. S. C. 157, 46 U. S. C. 375; and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

MANNING OF SEAGOING BARGES

22. It is proposed to amend the regulations in 46 CFR 31.4-2 and 35.1-4 (b) The proposed amendments to the Tank Vessel Regulations relax present manning requirements for seagoing barges to the extent that such barges need not be manned unless in the judgment of the Officer in Charge, Marine Inspection, such manning is necessary for the protection of life and property and for the safe operation of the vessel.

23. It is proposed to add two new sections as 46 CFR 62.19a and 141.3 to provide that the Officer in Charge, Marine Inspection, shall determine whether or not a seagoing barge shall be manned and to allow such barges to be operated without a crew when conditions warrant the belief that the vessel may be used in navigation with safety to life.

24. The authority for the proposed regulations for manning of tank barges and seagoing barges is set forth in R. S. 4405, 4417a, as amended, sec. 10, 35 Stat. 428, sec. 5 (e) 55 Stat. 244, 46 U. S. C. 375, 391a, 395; 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

APPROVALS AND TERMINATION OF APPROVALS OF EQUIPMENT

25. The Merchant Marine Council will consider appeals submitted in accordance with the procedures for promulgation of approvals and termination of approvals as set forth in 46 CFR 2.75-1 to 2.75-50, inclusive, 11 F. R. 177A-83.

26. The notice of approvals and termination of approvals of equipment, datèd July 24, 1947, and published in the Federal Register July 31, 1947, 12 F. R. 5185, provides that the holder of an approval which is to be terminated November 1, 1947, may appeal such action and shall submit supporting data showing that the item, complies with the applicable requirements now in effect. The Merchant Marine Council will consider appeals submitted and any holder of an approval which is to be terminated may also appear in person and give additional reasons why the approval should not be terminated. Recommendations will be submitted to the Commandant on all appeals submitted before November 1. 1947.

Dated: August 18, 1947.

[SEAL] J. F. FARLEY,

Admiral, U. S. Coast Guard,

Commandant.

[F. R. Doc. 47-7886; Filed, Aug. 21, 1947; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 912]

[Docket No. AO 29-A6] .

DUBUQUE, IOWA, MILE MARKETING AREA NOTICE OF HEARING ON HANDLING OF MILK

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, (7 CFR. Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4909), as amended, notice is hereby given of a public hearing to be held in the District Court Room, Federal Building, Dubuque, Iowa, beginning at 10:00 a. m., c. s. t., August 28, 1947, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Such proposed amendments have not received the approval of the Secretary of Agriculture.

The following proposals have been submitted by the Dubuque Cooperative Dairy Marketing Association, Inc.

1. Delete from § 912.6 (a) (1) the figure and word "70 cents" and substitute therefor the figure "\$1.20."

2. Delete from § 912.6 (a) (2) the figure "23" and substitute therefor the figure "73."

3. Delete from § 912.6 (a) (3) the figure "25" and substitute therefor the figure "75."

4. Add to § 912.8 the following paragraph:

(e) In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 912.7 (e) hereof.

(2) If the prices which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I of Class II milk under this order, are less than the respective prices provided pursuant to subparagraphs (1) and (3) of § 912.6 (a)

of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within the marketing area) an amount equal to the difference between the value of such milk as. computed pursuant to subparagraphs (1) and (3) of § 912.6 (a) of this order, and its value as determined pursuant to the other order to which he is subject.

5. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be procured from Mr. E. H. McGuire, Market Administrator, 335 Federal Building, 16th St. and 2d Avenue, Rock Island, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: August 15, 1947.

[SEAL]

E. A. MEYER, Assistant Administrator.

[F. R. Doc. 47-7889; Filed, Aug. 21, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket No. 8487]

SHARING OF TELEVISION CHANNELS AND AS-SIGNMENT OF FREQUENCIES TO TELEVISION AND NON-GOVERNMENT FIXED AND MO-BILE SERVICES

NOTICE OF PROPOSED RULE MAKING

- 1. Notice is hereby given of proposed rule making in the above-entitled matter.
- 2. In May and June 1945 the Commission issued its Allocation Report providing in part for 13 television channels and specifying that 12 of those channels be shared with other radio services on a mutually non-interference basis. Since that time the Commission has conducted a comprehensive study of various sharing arrangements. The problems inherent in sharing were also discussed at length at an informal engineering conference held on June 10 and 11, 1947. As a result of these studies the Commission is of the opinion that there is no practicable sharing arrangement which will not cause serious interference to television reception.
- 3. The Commission, therefore, proposes the changes set forth in the attached appendixes as follows:

Appendix A-Revised table of proposed frequency allocations in the bands 44-88 mc and 108 to 216 mc.

Appendix B-Table of proposed frequency service allocations in the 44-50 mc band.

Appendix C-Revised table of proposed allocation of television channels to metropolitan districts.

- 4. The salient provisions and objectives of the proposed changes may be summarized as follows:
- (a) All provision for sharing of television channels (except channels 7 and 8) is abolished.
- (b) In order to accommodate the nongovernment fixed and mobile radio services for which provision was formerly made on a shared basis on television channels 1 through 5 and 9 through 13. the assignment of the band 44 to 50 mc is changed from television to non-government fixed and mobile. At the present time there is no television station operating on this channel and there is only one construction permit outstand-
- (c) The band 72-76 mc is to be limited to use by the 75 mc aeronautical marker beacons and to fixed circuits on an engineered basis with the view to avoiding adjacent channel interference to television broadcasting. Radio stations presently authorized in the 72-76 mc band will be permitted to continue for a five year period.
- (d) Possibilities of interference to television from such sources as harmonic radiations, television receiver response to stations on intermediate or image frequencies and television receiver oscillator radiations are engineering equipment problems which the Commission expects can more properly be solved by equipment development rather than further revisions of frequency allocations.
- 5. The proposed changes are issued under the authority of sections 303 (c) (d), (e) (f) and (r) of the Communications Act of 1934, as amended.
- 6. Any interested person who is of the opinion that the proposed changes should not be adopted or should not be adopted in the form set forth herein, may file with the Commission, on or before September 15, 1947, a written statement or brief setting forth his comments. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given at a subsequent

Adopted: August 14, 1947.

Released: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

T. J. SLOWIE, Secretary.

APPENDIX A-REVISED TABLE OF PROPOSED FREQUENCY ALLOCATIONS 44-88 AND 174-216 Mg

United States service-allocation

Band Mc

44-50___ Non-Government: 1

(a) Fixed.

(b) Mobile.

50-54 Amateur.

54-72___ 54-72 Mc Non-Government:

54-60 Mc Television Broadcasting Channel 2.

60-68 Mc Television Broadcasting Channel 3. 68–72 Mc Television Broadcast-

ing Channel 4.

72-76 Non-Government Fixed (Note A). 76-83 ... 76-83 Mc Non-Government:
76-82 Mc Television Broadcasting Channel 5.
82-83 Mc Television Broadcast-

ing Channel 6.

Government; Fixed; Mobile. 174-186__ (a) (b) Non-Government Television Broadcasting:

174-180 Mc Channel 7. 180-186 Mc Channel 8.

186-216_ 186-216 Mc Non-Government: 186-192 Mc Television Broadcasting Channel 9. 192–193 Mc Television Broad-

casting Channel 10.

193-204 Mc Television Broadcasting Channel 11. 204-210 Mc Television Broad-

casting Channel 12.

210-216 Mc Television Broadcasting Channel 13.

Note A: Future assignments to be limited to fixed circuits which, as a result of an enginearing study, may be expected to operate in this band on a non-interference basis to the television service.

APPENDIX B-TABLE OF PROPOSED FREQUENCY SERVICE-ALLOCATIONS, 44-50 Mc

Service and Frequency Assignments, Mc

Provisional, experimental:

44.02, 44.06. Police:

44.10, 44.14, 44.18, 44.22, 44.26, 44.30, 44.34, 44.38, 44.42, 44.46, 44.50, 44.54, 44.53, 44.62, 44.66, 44.70, 44.74, 44.78, 44.82, 44.86, 44.90, 44.94, 44.98, 45.02, 45.07, 45.10, 45.14, 45.18, 45.22, 45.26, 45.20, 45.34, 45.38, 45.42, 45.46, 45.50, 45.54, 45.58, 45.62, 45.66, 45.70, 45.74, 45.78, 45.62, 45.66, 45.90, 45.94, 45.93, 46.02, 46.08, 46.10, 46.14, 46.18, 46.22, 46.26, 46.30, 46.24, 46.33, 46.42, 46.46, 46.50, 46.54, 46.53, 46.62.

Police, fire: 2

46.66, 46.70, 46.74, 46.78, 46.82, 46.83.

Fire:

46.90, 46.94, 46.93, 47.02, 47.06, 47.10.

Highway maintonance: 47.14, 47.18, 47.22, 47.26, 47.30, 47.34, 47.38, 47.42.

Special emergency: 47.46, 47.50, 47.54, 47.53, 47.62, 47.68.

Petroleum, etc.. 3

47.70, 47.74, 47.78, 47.82, 47.86, 47.90, 47.94, 47.93, 48.02, 48.06, 48.10, 48.14.

Power utility, patroleum, etc.. 3
48.18, 48.22, 48.26, 48.30, 48.24, 48.38, 48.42, 48.46, 48.50, 43.54, 48.53, 48.62, 48.66, 48.70.

Power utility: 48.74, 48.78, 48.82, 48.86, 48.90, 48.94, 48.93, 49.02, 49.06, 49.10, 49.14, 49.18.

Provisional, experimental:

49.22, 49.26.

Forestry conservation:

49.30, 49.34, 49.38, 49.42, 49.46, 49.50, 49.54, 49.53.

Forestry conservation, transit utility: 49.62, 49.68, 49.70, 49.74, 49.78, 49.82.

Transit utility:

49.88, 49.90, 49.94, 49.98.

² See Annex B.

^{*}Including municipally owned utilities (such as water, electric, gas, etc.) which make joint use of municipal fire or municipal police radio facilities.

Other industries requiring similar radio gervico.

PROPOSED RULE MAKING

APPENDIX C-REVISED TABLE OF PROPOSED ALLOCATION OF TELEVISION CHANNELS TO METROPOLITAN DISTRICTS

Note: Changes required as a result of channel 1 reallocation are italicized. Current assignments are from Subpart E (formerly Subpart D) of the Commission's rules governing broadcast services (Part 3) with the exception of cities bearing footnote 3.

	Current channel No	g .	Proposed channel	Nos.		Current channel No	8.	Proposed channel
Metropolitan district	Metropolitan	Commu nity	Metropolitan	Commu	Metropolitan district	Metropolitan	Commu	Metropolitan _
kron	11		11		Macon	4, 7, 10		4, 7, 10
lbany	.lì	ŀ	2, 4, 7, 9, 11		Madison	9	1 1	9
hencetady	.}}		2, 2, 4, 8, 11		Memphis	2, 4, 5, 7, 9		2, 4, 5, 7, 0
lentown thichem	1	8		8	Miami Milwaukeo	2, 4, 5, 7		3, 6, 8, 10
aston	.]]	ľ	_	"	Minneapolis	2, 4, 5, 7, 9		2, 4, 5, 7, 9
toona nes, Iowa 14 (not metropoli-	9		9 4		St. Padî	3. 5. 9. 11		3, 5, 9, 11
tan district).	1		ł .	l I	Montgomery	6. 10		6, 10
narillo heville	2, 4, 5, 7		2, 4, 5, 7. 5, 7, 12		Nashville New Haven			4, 0, 1, 9
lantalantic City	. 2. 5. 8. 11		5, 7, 12 2, 5, 8, 11		New Orleans	2, 4, 6, 7, 10		2, 4, 6, 7, 10
igusta, Ga	6. 12		6. 12	l I	New York Northeastern New Jersey	2, 4, 5, 7, 9, 11, 13	.	2, 4, 5, 7, 9, 11, 13
istin	. 8, 10, 12		8, 10, 12 2, 11, 13	[[1 37-mfalls	4, 7, 11, 13	ſ	4, 7, 11, 13
aumont	3, 6, 8, 10		. 3, 6, 8, 10		Newport News	11 -	ŧ	ŀ
ort Arthurnghamton	-IJ '		10		Oklahoma City	2, 4, 5, 9		2, 4, 5, 9
rmingham comington, Ind.1 (not met-	4, 9, 13		4, 9, 13		Omaha Council Bluff	}3, 6, 7	-	3, 6, 7
comington, Ind.14 (not met- opolitan district).				10	Péoria	3, 6, 12		3, 6, 12
stoirdgeport, Conn	2, 4, 7, 9, 13		2, 4, 7, 9, 13		Council Biult Péoria Philadelphia Phoenix Pittsburgh Portland, Maine Portland, Oreg Providence, R. I. Pueblo Racine Kenosha	3, 6, 12		3, 6, 10, 12
	6				Portland, Maine	3, 8, 3, 10		3, 8
ngara	}4, 7, 9, 13		4, 7, 9, 13	1 1	Portland, Oreg.	3, 8		3, 8 3, 6, 8, 10, 12
nton, Ohio	7. 11		7. 11		Pueblo.	3, 6, 8, 10	: ::::	3, 6, 8, 10
arleston, S. C.	7, 11 7, 10, 13 7, 11, 13		7, 10, 13		Racine	}		18
tarione	3, 9, 11,		3, 9, 11,		Kenosha Reading		. 0	
REERDOOFS	3, 6, 10, 12		3, 6, 10, 12		Reading Richmond Riverside, Calif. (not metro- politan district).	3, 6, 8, 10	- ;-	3, 0, 8, 10
cago	2, 4, 7, 11		2, 4, 7, 11.		politan district).	1		
relandumbia	-		7. 11		Roanoke Rochester	5, 9, 12 2, 6, 11	:	5, 9, 12 2, 6, 11 12
lumbus, Ga	3, 12				Rockford	12		12
lumbus, Ga	3, 6, 8, 10		1 0, 0, 10	·	Sagmaw	3, 6, 10	-	3, 6, 10
11103	- 4, 8, 12		4, 8, 12		Bay City	3, 8, 13		, , ,
venport ck Island	2, 4, 5, 9	Ĭ	2, 4, 5, 9		St. Joseph	13		4, 5, 7, 9, 13
oline	-11 * * *				Salt Lake City	14, 5, 7, 9, 13	-	4, 5, 7, 9, 13 2, 4, 5, 7, 9 2, 4, 6, 7, 9 3, 8, 10, 12
ytonecatur	5, 13 2		5, 13	l	San Antonio	3, 6, 8, 10		3, 8, 10, 12
nvers Moines 1	- 2, 4, 5, 7, 9		2, 4, 5, 7, 9 2, 5, 9, 12 2, 4, 5, 7	.	San Francisco	2, 4, 5, 7, 9, 11	.	2, 4, 5, 7, 9, 11
troit 3	2, 4, 5, 7, 9		2,4,5,7		San Jose	13	.	13
luth perior	- No a a 10		3, 6, 8, 10		Savannah Scranton	3, 5, 9, 11	-	3, 5, 9, 11
rham	4.7		4,7		Wilkes Barre	}11	- 1	11.8
Paso	2, 4, 5, 7		2, 4, 5, 7	·	Seattle Shreveport	2, 5, 7, 11 2, 4, 6, 8		2, 8, 7, 11 2, 4, 0, 8 4, 9, 11, 13
ansville, Ind	. 2 11		2, 11	.]	Sioux City	1 4 0 11 12		4, 9, 11, 13
ll River w Bedford	}	1			South Bend	2, 4, 5, 7, 9 8, 10		13. 2, 4, 5, 7, 9. 8, 10.
NL			11		Spokane Springfield, Ill Springfield, Mass	8, 10	-]	
rt Wayne rt Worth	2, 4, 7, 9 2, 5, 10 2, 4, 5, 7		2, 5, 10		Holyoke	}3	. 1	8
esnolvcston	2, 4, 5, 7		2, 4, 5, 7 9, 11, 13		Holyoke Springfield, Mo Springfield, Ohio	2, 4, 5, 9	[;-	2, 4, 8, 9
and Rapids	7, 9		7,9		Stockton	Ö		8
eensboro			2, 10		Syracuse	5, 8, 10		5. 8, 10
milton ddletown	- }9	1	9		Tampa	2, 4, 5, 7	.[2, 4, 5, 7
rrisburg rtford	. 8		0.10	10	St. Petersburg Terre Haute	4		4
w Britain	-150, 10	1	8, 10		Toledo	13	.]	18
uston ntington, W Va.	2, 4, 5, 7 }5		5	·	Topeka		.[1	
iland, Ky			3 6 8 12		Tulsa Utica	3, 6, 8, 10		8, 0, 8, 10
ianapolis, Ind.³	3, 6, 8, 10, 12		3, 6, 8, 12 -2, 4, 5, 7, 2, 4, 6, 8		Rome	3, 13		8, 13
ksonvillenstown, Pa	_ 2, 4, 6, 8 13		2, 4, 6, 8		Waco	3, 6, 9, 11		8, 6, 9, 11
amazoo	3	.	3		Waterbury	12	.	12
lamazoo nsas City, Mo nsas City, Kans oxville	2, 4, 5, 9		2, 4, 5, 9	.	WaterlooWheeling.	3, 6, 13 12		12
oxville	2, 4, 8, 11	J	2, 4, 8, 11	·	Wichita	2, 4, 5, 9		2, 4, 5, 9
ncaster	6	4	6	4	Wilmington Winston-Salem	6, 8		
icolntle Rock	1 10. 12	1	10, 12		WorcesterYork	5		0, 8
3 Augeles	_{ 2, 4; 5, 7, 9, 11, 13		3, 6, 8, 10 2, 4, 5, 7, 9, 11, 13 5, 9		Youngstown	13	ļ	13
ulsville	II .		5,9		- -		i	
wrence	. }6	 -	6		1	i		
verbill	. 11		1	1	l I	ı		1

¹ Channel 4 shift from Des Moines to Ames, Iowa, is the result of prior action and is not related to any proposed change in the total number of television channels.
2 Channel 9 deleted at the request of the Canadian Government for use in Windsor, Ontario, and is not related to proposed change in the total number of television channels.

³ Channel 10 shift from Indianapolis to Bloomington, Ind., is the result of prior action and is not related to any proposed change in the total number of television channels.

4 Added subsequent to publication of Subpart E (formerly D) of the Comission's Part 3 Rules.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong.; 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9590]

WILLIAM EPPLER

In re: Estate of William Eppler, deceased. File D-28-12004; E. T. sec. 16184.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Kindle, Berta Kindle Wacher and Ernest Kindle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of William Eppler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by the Clerk, Orphans' Court of Philadelphia County, Pa., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

z chingivania,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)—

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7865; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9591]

HUGO GOERKE

In re: Trust under will of Hugo Goerke, deceased. File No. D-28-2191; E. T. sec. 2863.

Under the authority of the Trading with the Enemy Act, as amended, Executive order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Goerke, Paul Goerke, Martha Born, Renate Wendt, Erich Goerke, Leona Goerke, August Goerke, Ella Goerke, Ericka Kaleve and Kurt Kaleve, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, representatives, names unknown of Ferdinand Goerke; the issue, representatives, names unknown, of Paul Goerke; the issue, representatives, names unknown, of Martha Born; the issue, representatives, names unknown, of Renate Wendt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany).

3. That all right, title, interest and claim of any kind or character whatso-ever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Hugo Goerke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Fred G. Stickel, Jr., as Substituted Trustee of the Trust created under the Will of Hugo Goerke, deceased, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, representatives, names unknown of Ferdinand Goerke; the issue, representatives, names unknown, of Paul Goerke; the issue, representatives, names unknown, of Martha Born; the issue, representatives, names unknown, of Renate Wendt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, Executed at Washington, .D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7866; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9597]

JOHN PIZZLE

In re: Estate of John Pizzle, deceased. File D-34-842; E. T. sec. 13897.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi, Mrs. Anna J. Ghete, nee Pizzle, Alexander Ghete and Nicholas Ghete, whose last known addresses are Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania)

2. That Issue, names unknown of Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi and Issue, names unknown, of Mrs. Anna J. Ghete, nee Pizzle, who there is reasonable cause to believe are residents of Rumania, are nationals of a designated enemy country (Rumania)

3. That all right, title, interest and claim of any kind or character whatso-ever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of John Pizzle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania).

4. That such property is in the process of administration by Earl D. Leader, as Executor, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

5. That to the extent that the above named persons and the Issue, names unknown, of Perenizi Teador Pizzle a/k/a Teodor Paslea-Perenyi and Issue, names unknown, of Mrs. Anna J. Ghete, nee Pizzle are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.
[F. R. Doc. 47–7867; Filed, Aug. 21, 1947;
8:47 a. m.]

[Vesting Order 9601]

SOPHIE SERA

In re: Estate of Sophie Sera, deceased. File No. D-34-899; E. T. sec. 15496.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferenc Sera, Elizabeth Racz, Mary Sera, Este Sera, Elizabeth Sera, Berta Sera, Gabriel Sera, Este Racz and Gabriel Racz, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary),

2. That all right, title, interest and claim of any kind or character whatso-ever of the persons identified in subparagraph 1 hereof in and to the estate of Sophie Sera, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary),

3. That such property is in the process of administration by Francis J. Mulligan, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, New York:

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

1:

[SEAL] DAVID L. BÄZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7868; Filed, Aug. 21, 1947; 8:47 a. m.]

[Vesting Order 9603] CAROLINE STRAUSS

In re: Estate of Caroline Strauss, deceased. File No. D-28-11194; E. T. sec. 15573.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Strauss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the heirs at-law, next of kin and distributees, names unknown, of Rudolf Strauss, and the heirs-at-law, next of kin and distributees, names unknown, of Adolf Strauss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Caroline Strauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by John C. Glenn, Public Administrator of Queens County, as Administrator of the Estate of Caroline Strauss, deceased, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That the person identified in-subparagraph 1 and the heirs-at-law, next of kin and distributees, names unknown of Rudolf Strauss, and the heirs-at-law, next of kin and distributees, names unknown of Adolf Strauss, are not within-a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7869; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9604] JOHN SZARKA

In re: Estate of John Szarka, deceased. File No. D-57-458; E. T. sec. 15710.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marika Zarka, also known as Marika Szarka, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary)

enemy country (Hungary),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Szarka, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary)

enemy country (Hungary),
3. That such property is in the process
of administration by the Treasurer of
St. Lawrence County, as depositary, acting under the judicial supervision of the
Surrogate's Court of St. Lawrence
County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R; Doc. 47-7870; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9605] HELEN WEIDNER

In re: Insurance policy rights owned by Helen Weidner. File D-34-879; E. T. sec. 14570.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Weidner, whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary)

2. That the net proceeds due or to become due under a contract of insurance evidenced by certificate No. 8212257 issued by the Equitable Life Assurance Society of New York, New York, on the life of Charles R. Holenia, deceased, wherein Helen Weidner is designated beneficiary and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Helen Weldner, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Hungary)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7871; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9606]

GUSTAF A.. AICHECK

In re: Bank account owned by Gustaf A. Aicheck, also known as Adolf Aichele and as Adolf Aicheck. F-28-28475-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

- 1. That Gustaf A. Aicheck, also known as Adolf Aichele and as Adolf Aicheck, whose last known address is Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany)
- 2. That the property described as follows: That certain debt or other obligation owing to Gustaf A. Aicheck, also

known as Adolf Aichele and as Adolf Aicheck, by Suffolk Savings Bank for Seamen and Others, 1 Tremont Street, Boston, Massachusetts, arising out of a Savings Account, account number 581124, entitled Gustaf A. Aicheck, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7872; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9608]

ANNA ATZERT

In re: Bank account owned by Anna Atzert. F-28-7528-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Atzert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Savings Bank of Baltimore, Charles and Baltimore Streets, Baltimore 3, Maryland, arising out of a Savings Account, account number 83649, entitled Maria Klubir and Anna Atzert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Atzert, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the

benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7873; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9612]

DEUTSCHE FANTO AND DEUTSCH-WESTAFFIKANISCHE

In re: Debt owing to Deutsche Fanto and Deutsch-Westafrikanische. F-28-9542-C-1, F-28-13492-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

- 1. That Dautsche Fanto and Dautsch-Westafrikanische, the last known addresses of which are Hamburg, Germany are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany)
- 2. That the property described as follows:
- a. That certain debt or other obligation owing to Deutsche Fanto, by Davis & Company, Incorporated, 2109 Commerce Building, Houston, Texas, in the amount of \$8,474.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and
- b. That certain debt or other obligation owing to Deutsch-Westafrikanische, by Davis & Company, Incorporated, 2109 Commerce Building, Houston, Texas, in the amount of \$174.99 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or 'owing to, or which is' evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7874; Filed, Aug. 21, 1947; 8:48 a, m.]

[Vesting Order 9616]

JOHANN AND KAETHE GUERTNER

In re: Bank account owned by Johann Guertner and Kaethe Guertner. F-28-5956-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That Johann Guertner and Kaethe Guertner, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Johann Guertner and Kaethe Guertner, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled Mr. Johann Guertner and/or Mrs. Kaethe Guertner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country Germany)

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country,

the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7875; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9618]

ELSA MEYER

In re: Bank account owned by Elsa Meyer. F-28-2628-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Meyer, whose last known address is Osnabrueck, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Elsa Meyer, by Mutual Bank and Trust Co., 716 Locust Street, St. Louis, Missouri, arising out of a Checking Account, entitled Miss Elsa Meyer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAYID L. BAZELON,

Assistant Attorney General,

Director, Office of Alien Property.

[F. R. Doc. 47-7876; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9619]

KAZUO MINAMI

In re: Bank account owned by Kazuo Minami. F-39-2535-E-1.

Under, the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuo Minami, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation of Fidelity National Bank, Twin Falls, Idaho, arising out of a Checking Account, entitled Roy Shobel Morita in trust for Kazuo Minami, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kazuo Minami, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7877; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9620]

ADOLPH MUELLER ET AL.

In re: Bank account owned by Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Remertz, nee Mueller. F-28-24349-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of Marshall & Ilsley Bank, Milwaukee 1. Wisconsin, arising out of a Savings Account, account number 183565, entitled Rev. Emil Roth, Route, 1, New Albin, Iowa, as attorney-in-fact for Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Remertz, nee Mueller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adolph Paul Mueller, Alex Mueller, Ewald Mueller, Elisabeth Mueller, and Mrs. Anna Reinertz, nee Mueller, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby yested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended,

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAT.] DAVID L. BAZELON. Assistant Attorney General, Director Office of Alien Property.

[F. R. Doc. 47-7878; Filed, Aug. 21, 1947; 8:48 a. m.1

No. 165----5

[Vesting Order 9621]

TATSUGIRO NORINOBU

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased. D-39-18932-É-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation of Union Dime Savings Bank, 1065 Avenue of the Americas, New York 18, New York, arising out of a Savings Account, account number 1,052,439, entitled Tatsugiro Norinobu, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Tatsugiro Norinobu, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON, Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 47-7879; Filed, Aug. 21, 1947; 8:48 a. m.]

[Vesting Order 9622]

ROBERT PINKERT ET AL.

In re: Debts owing to Robert Pinkert, Martha Pinkert and Lena Rehme. F-28-11961-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law. after investigation, it is hereby found:

1. That Robert Pinkert, Martha Pinkert and Lena Rehme, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain debts or other obligations evidenced by checks numbered 694, 695 and 730, payable to Robert Pinkert, Martha Pinkert and Lena Rehme respectively, dated January 1, 1947, drawn on Kansas City Building & Loan Trust and presently in the custody of Hermann Gastreich, 412 E. 75th Street, Kansas City 5, Missouri, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto. together with any and all rights in, to and under, including particularly the right to possession of the aforesaid checks, and

b. Three (3) certificates of Kansas City Building & Loan Trust, in the face amount of \$375.00 each, certificates numbered 687, 686 and 718, registered in the name of Robert Pinkert, Martha Pinkert and Lena Rehme respectively, and presently in the custody of Hermann Gastreich, 412 E. 75th Street, Kansas City 5, Missouri, together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and

for the benefit of the United States. The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7880; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9623]

DORA RENGSTORF AND ANNA SEEGER

In re: Bank accounts owned by Dora Rengstorf and Anna Seeger, F-28-25770-E-1, F-28-26102-E-1, F-28-26102-C-1

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Rengstorf and Anna Seeger, whose last known addresses are Germany are residents of Germany and nationals of a designated enemy country

(Germany)

- 2. That the property described as follows: That certain debt or other obligation owing to Dora Rengstorf, by Bank of America National Trust & Savings Association, Market-New Montgomery Office, San Francisco 20, California, arising out of a Savings Account, account number 6738, entitled Dora Rengstorf, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,
- is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dora Rengstorf, the aforesaid national of a designated enemy country (Germany)
- 3. That the property described as follows: That certain debt or other obligation of Bank of America National Trust & Savings Association, Market-New Montgomery Office, San Francisco 20, California, arising out of a Savings Account, account number 1594, entitled I. F. or Tom F Chapman, Trustees for Anna Seeger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Seeger, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F R. Doc. 47-7881; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9624]

MITSUE SASAKI

In re: Debt owing to Mitsue Sasaki. F-39-4718-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193 as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

- after investigation, it is hereby found:
 1. That Mitsue Sasaki, whose last known address is Miyagino; Machi; Sendai Shi, Japan, is a resident of Japan and a national of a designated enemy country (Japan)
- 2. That the property described as follows: That certain debt or other obligation owing to Mitsue Sasaki, by American Smelting and Refining Company, 120 Broadway, New York, N. Y., in the amount of \$1,428.90, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,
- is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended. Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7882; Filed, Aug. 21, 1947; 8:49 a. m.]

[Vesting Order 9633]

ALBRECHT AND META BEHRENS

In re: Real property, bank account and personal property owned by Albrecht Behrens and bank account owned by Meta Behrens.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht Behrens and Meta Behrens, whose last known address is Lehnstedt Wesermund, Germany, are residents of Germany and nationals of a designated enemy county (Germany),

2. That the property described as

follows:

a. Real property situated in Spring-field Gardens, County of Queens, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All that personal property, consisting of household furnishings, confectionery store equipment, fixtures and ice cream manufacturing machinery located at premises known as 220-05 Merrick Road, Springfield Gardens, New York, and described in Lxhibit B, attached hereto and by reference made a part hereof, and

c. That certain debt or obligation owing to Albrecht Behrens by Springfield Gardens National Bank, 216-02 Merrick Road, Springfield Gardens, New York, arising out of an account entitled "Albrecht Behrens", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albrecht Behrens, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows: That certain debt or obligation owing to Meta Behrens by Jamaica Savings Bank, 161-02 Jamaica Avenue, Jamaica, New York, arising out of Account No. 184651 entitled "Meta Behrens", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Meta Behrens, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national in-

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c and 3 hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

DAVID L. BAZELON, Assistant Attorney General, Director Office of Alien Property.

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings and improvements thereon in the Borough and County of Queens, City and State of New York, known as Lot No. 685, in Block S, on a certain Map entitled "Map of Springfield Hillcrest, prop-erty of Wood-Horn Realty Co., 4th Ward, Borough of Queens, City and State of New York" surveyed June 1922, by William L. York" surveyed June 1922, by William L. Savacol, C. E. and O. S., and filed in Queens County Clerk's Office on August 12, 1922, as Map No. 4151, more particularly bounded and described according to said Map as fol-

Beginning at a point on the northerly side of Merrick Road distant 40,008 feet easterly from the corner formed by the intersection of the northerly side of Merrick Road and the easterly side of 220th Street; running thence northerly and parallel with 220th Street 101.15 feet, thence easterly and par-allel with Merrick Road 20 feet; thence southerly and again parallel with 220th Street 100.75 feet to the northerly side of Merrick Road and part of the distance through a party wall, and thence westerly along the northerly side of Merrick Road 20.004 feet to the point or place of beginning.

EXHIBIT B

- 2 glass show cases approximately 10 feet long.
- glass showcase approximately 8 feet long. 30 feet of attached half closets. •
- 10 attached wall mirrors.
- 11 glass confectionery jars. 2 Toledo scales.
- 1 cash register.
- 1 penny weighing machine.
- 1 30 foot ice cream counter.

- 1 5 gallon ice cream freezer and frigidaire compressor.
- 1 12 5 gallon compartment automatic hardening box. 1 12 5 gallon compartment automatic
- hardening box with universal com-
- 1 8 5 gallon compartment automatic hardening box and compressor.

 3 malted milk machines.
- 1 wall clock.
- 1 10 foot stainless steel fountain.
- 1 sandwich table and compressor.
- 3 malted milk containers.
- 4 dozen silver plated assorted ice cream dishes.
 1½ dozen silver plated ice cream coda
- containers.
- 2 nickel spoon containers.
- 20 feet of attached marble half closets.
- 2 electric store fixtures. 2 neon window signs.
- outside neon sign. sandwich ice box.
- 8 marble topped table booths.
- 8 individual mirrors.
- 6 marble topped tables.
- 16 chairs.
- 1 10 foot wood and class partition.
- 1 gill bottomless ice cream measure nickel. 1/2 pint bottomless ice cream measure nickel.
- 1 pint bottomless ice cream measure nickel. 1 quart bottomless ice cream measure nickel.
- 1 4 foot marble top counter and 2 burner glass stoves.
- 2 stainless steel serving trays.
- 2 dozen hot chocolate cups and caucers.
- steam Starlighter ice cream machine.
- 1 Manhattan soda water machine.
- 28 5 gallon ice cream cans.
- 1 milk strainer.
- ice cream masher.
- 2 ice cream peddlers' carts.
- 1 electric fan.
- 6 foot marble top candy making table.
- stove for boiling syrups.
 10 foot candy making table.
- metal candy trays.
- 1 case of wooden candy trays,
- candy cutter. 10 foot candy table.
- 8 foot marble half closet.
- copper cream bowls.
- walnut double bed. 1 walnut vanity with attached mirror.
- 1 vanity bench.
 1 walnut dresser.
 1 walnut chest of drawers.
- walnut secretary.
- Westinghouse radio.
- 1 living room sofa.
- 2 easy chairs.
 1 console table.
- end table. 1 kitchen table.
- 4 kitchen chairs.
- 1 Norge refrigerator.
- Various cups, saucers, and dishes.
- [F. R. Doc. 47-7883; Filed, Aug. 21, 1947; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management [2108938]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY AC-CEPTED MARCH 10, 1947

AUGUST 15, 1947.

Notice is given that the plat of survey of lands hereinafter described will be officially filed in the District Land Office. Anchorage, Alaska, effective at 10:00 a. m. on October 17, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

- (a) Ninety-day period for preferenceright filings. For a period of 90 days from October 17, 1947 to January 15, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat., 609, 43 U.S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable, claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivisión (2).
- (b) Twenty-day advance period for simultaneous preference-right filings. For a period of 20 days from September 27, 1947, to October 17, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a.m. on October 17, 1947, shall be treated as simultaneously filed.
- (c) Date for non-preference-right fillings authorized by the public-land laws. Commencing at 10:00 a.m. on (c) Date for January 16, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the publicland laws.

(d) Twenty-day advance period for simultaneous 'non-preference-right filings. Applications by the general public may be presented during the 20-day period from December 27, 1947, to January 16, 1948, inclusive, and all such applications, together with those presented at 10:00 a.m. on January 16, 1943, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise. and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications

5682. NOTICES

under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this notice are described as follows:

SEWARD MERIDIAN

T. 15 N., R. 1 W., Secs. 30 and 31, all.

The areas described aggregate 1,200.13 acres. The greater part of this land is mountainous and rocky, rising to an elevation of 1,400 feet, with a dense growth of birch and spruce timber and a brush undergrowth. With the exception of the southeast portion of sec. 30, the lands are low, rolling and have a sandy loam soil. All of sec. 30 is subject to the provision of Public Land Order No. 95 of March 12, 1943.

Fred W. Johnson, Director

[F. R. Doc. 47-7835; Filed, Aug. 21, 1947; 48:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-149]

ACCIDENT AT LAGUARDIA FIELD, NEW YORK

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NX-8787 which occurred at LaGuardia Field, New York, on August 9, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-mentioned proceeding that hearing is hereby assigned to be held on Tuesday and Wednesday, August 26 and 27, 1947 at 9:30 a.m. (local time) in Empire Room, Lexington Hotel, 48th and Lexington Avenue, New York, New York.

Dated at Washington, D. C., August 18, 1947.

[SEAL]

ROBERT W. CHRISP, Presiding Officer

[F. R. Doc. 47-7887; Filed, Aug. 21, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6824, 7621, 7357]

WOOP INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WOOP, Inc., Dayton, Ohio, Docket No. 6824, File No. BP-3987; Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 7621, File No. BP-4824; Northwestern Ohio Broadcasting Corporation, Lima, Ohio, Docket No. 7357, File No. BP-4447; for construction permits.

The Commission having under consideration a petition filed July 28, 1947, by Northwestern Ohio Broadcasting Corporation, Lima, Ohio, requesting leave to amend its application for construction permit (File No. BP-4447; Docket No. 7357), so as to show the withdrawal from the applicant corporation of Edward Cooper, as director, Assistant Secretary

and stockholder, and of Robert F. Jones, as a stockholder; and to change paragraph 8 of the application to reflect this information; as more particularly appears from the amendment filed simultaneously with the petition; and an opposition thereto filed July 31, 1947, by Sky Way Broadcasting Corporation;

It is ordered, This 8th day of August, 1947, that the instant petition be, and it is hereby granted; the said amendment filed simultaneously with the petition covering matters hereinabove described be, and it is hereby, accepted; on the Commission's own motion, the record in the above-entitled proceeding be, and it is hereby, reopened for the purpose of adding to the record the above-mentioned amendment; and a further hearing in the above-entitled proceeding be, and it is hereby, scheduled for 10 o'clock, Thursday, August 28, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 47-7859; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket Nos. 6884, 7115, 7852]

PATRIOT CO. ET AL.

ORDER CONTINUING HEARING

In re applications of The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091, WHP, Incorporated, Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; for construction permits, At a session of the Federal Communi-

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day

of August 1947

The Commission having under consideration a petition filed July 31, 1947 by Uniton Broadcasting Company, (WARM) Scranton, Pennsylvania, requesting the Commission en banc to review the action of the Presiding Officer of the Motions Docket (Mr. Plotkin) taken July 28, 1947 enlarging issues in the proceeding upon the applications of Union Broadcasting Company (WARM) Scranton, Pennsylvania (Docket No. 6884) WHP, Inc., Harrisburg, Pennsylvania (Docket No. 7115) and John H. Stenger, Jr. (WBAX) Wilkes-Barre, Pennsylvania (Docket No. 7852) so as to include the following issue:

To determine whether the proposed operation of Union Broadcasting Company (WARM), Scranton, Fennsylvania, and John H. Stenger, Jr. (WBAX), Wilkes-Barre, Pennsylvania, would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia, to be operated by the Lynchburg Broadcasting Corporation on 590 kc, with a power of 1 kw, DA-2, unlimited time, as set forth in the proposed decision, released July 1, 1947, in Docket 6866 et al., and, if so, the nature and extent thereof, the areas and populations

affected thereby, and the availability of ether broadcast service to such areas and populations.

or, in the alternative, requesting that the Commission continue the further hearing in the above-mentioned proceeding to a date thirty days after the filing of an application for modification of construction permit to specify 590 kc by Lynchburg Broadcasting Corporation, and;

It appearing that on July 1, 1947, the Commission issued a proposed decision looking to a grant of the application of Lynchburg Broadcasting Corporation (WLVA), Lynchburg, Virginia (File No. BP-4096, Docket No. 6870) with the use of the frequency 590 kc; that the above-entitled applications of Union Broadcasting Company (WARM), and John H. Stenger, Jr. (WBAX), both request the use of the frequency 590 kc; that the Commission on July 28, 1947, on its own motion, enlarged the issues upon which the above-entitled applications are to be heard so as to determine whether the proposed operation of Union Broadcasting Company (WARM), or John H. Stenger, Jr. (WBAX) would involve objectionable interference with the service of a proposed station at Lynchburg, Virginia; and

It appearing that insofar as petitioner's objections to the action of the Presiding Officer of the Motions Docket in enlarging the issues in the above-entitled proceeding are based upon the alleged invalidity of the Commission's action on July 1, 1947, proposing to grant the application of Lynchburg Broadcasting Company (WLVA) with the use of the frequency 590 kc, said objections are without merit; and that insofar as the instant petition seeks reversal of the order enlarging the issues, the petition should be denied; and

It further appearing that insofar as the petition requests a continuance in the further hearing in the above-entitled proceeding, presently scheduled for August 19, 1947, so as to permit a study by petitioner of the application for modification of construction permit to be filed by Lynchburg Broadcasting Company, the petition is justified; and that a continuance of the said further hearing to Thursday, September 11, 1947, would be in the public interest.

It is ordered, That insofar as the petition requests reconsideration of the July 28, 1947, action of the Presiding Officer

28, 1947, action of the Presiding Officer of the Motions Docket enlarging the issues in the above-entitled proceeding, the petition be, and it is hereby denied.

It is further ordered, That insofar as the petition requests a continuance in the further hearing presently scheduled for August 19, 1947, the petition be, and it is hereby granted in part; and the further hearing in the above-entitled proceeding be, and it is hereby continued to 10:00 a. m. Thursday, September 11, 1947, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,

Secretary.

[F R. Doc. 47-7860; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 7766]

C. THOMAS PATTEN

NOTICE OF FURTHER HEARING

In re application of C. Thomas Patten, Oakland, California, Docket No. 7766, File No. BP-4876, for construction per-

You are hereby notified that further hearing in the above entitled matter will be held in Oakland, California, on September 2, 1947, before Commissioner Rosel Hyde, presiding. You will be notified at a later date of the place of the hearing.

Dated: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE,

[SEAL]

Secretary.

[F. R. Doc. 47-7857; Filed, Aug. 21, 1947; • 8:50 a. m.]

[Docket No. 7956]

PITTSBURG BROADCASTING CO.

NOTICE OF FURTHER HEARING

In re application of Pittsburg Broadcasting Company, Pittsburg, California, Docket No. 7956, File No. BP-5356, for construction permit.

You are hereby notified that further hearing in the above entitled matter will be held in Pittsburg, California on September 4, 1947 before Commissioner Rosel Hyde, presiding. You will be notified at a later date of the place of the hearing.

Dated: August 14, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 47-7858; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 8478]

FANNIN COUNTY BROADCASTING Co.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Frank Syoboda tr/as Fannin County Broadcasting Company, Bonham, Texas, Docket No. 8478, File No. BP-5720, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of

August 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1420 kc, with a 1' kw power, daytime only, in Bonham, Texas, and also having under consideration a petition, filed by Truett Kinzey. licensee of Station KGVL, Greenville, Texas, alleging that the operation proposed in the said application will cause objectionable interference within the 0.5 mv/m contour of Station KGVL and requesting that the said application be designated for hearing;

It is ordered, That the petition of Truett Kinzey, be, and it is hereby granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Frank Svoboda tr/as Fannin County Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the fol-

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the

proposed station.

lowing issues:

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KGVL, Greenville, Texas, or with any other existing broadcasting stations and, if so, the nature and extent thereof. the areas and populations affected thereby, and the availability of other broadcast service to such areas and pop-

ulations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby. and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning

Standard Broadcast Stations.

It is further ordered, That, Truett Kimzey, licensee of station KGVL, be and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 47-7863; Filed, Aug. 21, 1947; 8:50 a. m.)

[Docket No. 8485]

SUFFOLK BROADCASTING CORP. (WFSS)

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Suffolk Broadcasting Corporation (WFSS) Coram, New York, File No. BMPH-409, Docket No. 8485, for modification of construction permit.

At a session of the Federal Communications Commission held in Atlantic City, New Jersey on the 28th day of July 1947;

The Commission having under consideration the above-entitled application of the Suffolk Broadcasting Company for

modification of construction permit of FM broadcast station WFSS at Coram. Long Island, New York, requesting Class B facilities;

It appearing, that a Class B FM broadcast station operating as proposed by the applicant at Coram, Long Island, New York may result in objectionable interferences to adjacent channel stations in the New York City area;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934. as amended, that the above-entitled application be, and it is hereby designated for hearing, at a date and place to be specified by a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose service from the proposed operation of Sulfolk Broadcasting Company, and the character of other FM broadcast service available to such areas and popu-

lations.

2. To determine whether the proposed operation of Suffolk Broadcasting Company would involve objectionable interference with any other FM broadcasting stations or pending application for FM broadcasting stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the character of other FM broadcast services available to such areas and populations.

3. To determine whether the installation and operations of the station as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning

FM Broadcast Stations.

By the Commission.

T. J. SLOWIE. Secretary.

[P. R. Doc. 47-7862; Filed, Aug. 21, 1947; 8:50 a. m.]

[Docket No. 8498]

JOHNSON COUNTY BROADCASTING CORP. ORDER DESIGNATING APPLICATION FOR HEAR-

ING ON STATED ISSUES In re application of Johnson County Broadcasting Corporation, Iowa City, Iowa, Docket No. 8488, File No. BP-5935,

for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of August 1947:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 800 kc, with 1 kw power, daytime only, using a directional antenna, at Iowa City, Iowa; and a petition filed by KCMO Broadcasting Company, licensee of Station KCMO, Kansas City, Missouri, requesting that said application be designated for hearing with petitioner named

a party thereto;

It is ordered, That the petition of KCMO Broadcasting Company be, and it is hereby, granted, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas

proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KCMO, Kansas City, Missouri, WBBM, Chicago, Illinois, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Fractice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KBUR, at Burlington, Iowa, the nature and extent thereof and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That KCMO Broadcasting Company, licensee of Station KCMO, Kansas City, Missouri, and Columbia Broadcasting System, Inc., licensee of Station WBBM, Chicago, Illinois, be, and they are hereby, made parties to this proceeding.

By the Commission,

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 47-7861; Filed, Aug. 21, 1947; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-796, G-889]

SOUTHERN NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER GRANTING LEAVE TO FILE ADDITIONAL EVIDENCE AND REOPENING RECORD FOR SUCH PURPOSE

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its order entered August 15, 1947, granting leave to file additional evidence

and reopening record for such purpose in the above-designated matters.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 47-7851; Filed, Aug. 21, 1947; ... 8:46 a. m.]

[Docket No. G-892]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 47-7850; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. G-909]

Pennsylvania Gas Co.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

-[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 47-7852; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. G-912]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER GRANTING PERMISSION AND APPROVAL TO ABANDON _ CERTAIN FACILITIES

August 19, 1947.

Notice is hereby given that, on August 18, 1947, the Federal Power Commission issued its findings and order entered August 15, 1947, granting permission and approval to abandon certain facilities in the above-designated matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 47-7853; Filed, Aug. 21, 1947; 8:46 a. m.]

[Docket No. IT-6076]

Montana-Dakota Utilities Co.

NOTICE OF APPLICATION

AUGUST 15, 1947.

Notice is hereby given that on August 15, 1947, an application was filed with the

Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking authority to issue \$2,000,000 of Promissory Notes due July 1, 1948, and requesting that public hearing in this matter be waived.

The capital stock of the Company is of two classes; namely, preferred stock of \$100 par value per share, and common stock \$5 per value share. The preferred stock is issuable in series either (a) as 4.20% Series Preferred Stock, or (b) as one or more other series not exceeding 4.20% as determined by the Board of Directors. The preferred stock of all series is of the same class and of equal rank. The entire 100,000 shares of authorized preferred stock has been designated as 4.20% Series Preferred Stock.

The preferred stock was changed from 5% Series Preferred Stock to 4.20% Series Preferred Stock, effective April 1, 1947, by amendment to the Certificate of Incorporation as authorized by the Commission in Docket No. IT-6029.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of September, 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 47-7854; Flied, Aug. 21, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-24, 70-1258]

MIDLAND REALIZATION CO, ET AL.

ORDER REGARDING EXCHANGE, TRANSFER AND SALE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August 1947.

In the matter of Midland Realization Company and Midland Utilities Company, File No. 52-24 and The Middle West Corporation, File No. 70-1258.

Midland Realization Company, a registered holding company, and its subsidiary, Midland Utilities Company, also a registered holding company, having filed, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and section 222 of the Bankruptcy Act, as amended, a post-effective amendment to a modified plan of reorganization with respect to the two companies wherein, among other things, it was proposed that Midland Realization Company and Midland Utilities Company sell, transfer and exchange an aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company held by them, and apply the proceeds, among other things, to the feduction of indebtedness of Mid-

land Realization Company to banks and to Midland Utilities Company and

The Commission having, on July 17, 1946, approved said post-effective amendment and, in its final paragraph, having recited that the exchange, transfer and sale by Midland Realization Company and Midland Utilities Company of the aggregate of 2,154,395 shares of the no par value common stock of Northern Indiana Public Service Company are necessary and appropriate to effectuate the provisions of section 11 (b) of the act; and

Applicants having now filed a request that the final paragraph of said order of July 17, 1946 be amended, and the Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is hereby ordered, That the final paragraph of the Commission's order of July 17, 1946 in the above-entitled matter be amended to read as follows:

It is further ordered, That the exchange, transfer and sale by Midland Realization Company and Midland Utilities Company of the aggregate of 2,154,-395 shares of the no par value common stock of Northern Indiana Public Service Company, and the utilization by Midland Realization Company of the proceeds of the sale of the 177,263 retained shares to retire securities evidencing its bank indebtedness in the aggregate amount of \$1,350,000 and its indebtedness to Midland Utilities Company in the net amount of \$1,000,000 and the distribution of the balance of the proceeds to its stockholders either as a partial or final liquidating dividend, and the distribution by Midland Realization Company to its stockholders of the shares of the capital stock of Midland Utilities Company owned by it, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7840; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1477]

PUBLIC SERVICE Co. of INDIANA, INC. .

SUPPLEMENTAL ORDER AUTHORIZING SALE OF CONVERTIBLE DEBENTURES

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on

the 15th day of August, A. D. 1947. The Commission, on July 10, 1947, having issued its order (Holding Company Act Release No. 7554) in the above matter granting, subject to certain conditions, the application of Public Service Company of Indiana, Inc. ("Public Service") with respect to the issuance and sale of \$11,077,800 principal amount of its Fifteen-year 234% Convertible Debentures; and

Said application also having proposed that Public Service sell, in such manner as the Commission may approve, either such principal amount of said debentures not purchased under subscription warrants issued to its common stockholders or such number of shares of common stock into which such debentures as are not so purchased could be converted; and

Public Service having filed an amendment to its application which states that Public Service proposes to sell the unsubscribed portion of debentures at competitive bidding and, in connection therewith, Public Service requests that, in the event the provisions of Rule U-50 are applicable to the proposed sale, the ten-day bidding period required by such rule be shortened to not less than five days; and

The Commission having considered the proposal of Public Service to sell at competitive bidding such debentures not purchased under the subscription warrants and having considered the request for shortening of the bidding period required by Rule U-50 and deeming it appropriate in the public interest and in the interest of investors and consumers to permit such sale at competitive bidding and to grant the request for shortening of the bidding period:

ening of the bidding period:

It is ordered, That the sale, at competitive bidding, by Public Service Company of Indiana, Inc. of such principal amount of its Fifteen-year 234% Convertible Debentures not purchased under subscription warrants issued to its common stockholders be, and hereby is, authorized and approved, subject, however, to the condition that said sale shall not be consummated until the results of the competitive bidding have been supplied by a further amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That, with respect to the sale by Public Service Company of Indiana, Inc. of its Fifteen-year 234% Convertible Debentures at competitive bidding, the ten-day bidding period required by Rule U-50 promulgated under the Public Utility Holding Company Act of 1935 be, and hereby is, shortened to a period of not less than five days

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant to the Secretary.

[F. R. Doc. 47-7838; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1580]

PROVINCETOWN LIGHT AND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of August 1947.

Provincetown Light and Power Company ("Provincetown"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for approval of the issue and sale of unsecured notes

payable to the First National Bank of Boston in amounts not exceeding in the aggregate \$125,000, all such notes to be issued and dated prior to December 31, 1949, in such denominations as Provincetown shall elect at the time of issue, to mature not later than December 31, 1952, to bear interest at a rate not exceeding 3% per annum; and

The proposed transaction having been approved by the Department of Public Utilities of the State of Massachusetts, the state in which Provincetown is organized and doing business; and

Said application having been filed on the 30th day of July 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 6 (b) of the act that the requirements of such

section are satisfied,

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed under Rule U-24 that the application be, and the same hereby is, granted and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant to the Secretary.

[F. R. Doc. 47-7842; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1581]

PLYMOUTH COUNTY ELECTRIC CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of August 1947.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("New England") a registered holding company, and its subsidiary Plymouth County Electric Company ("Plymouth") Applicants have designated sections 6 (b) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 21, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any

time after August 21, 1947, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

New England presently owns all of the outstanding common stock of Plymouth. Plymouth proposes to issue and sell to New England 1,800 additional shares of its common stock, of the par value of \$55 per share, at a price of \$35 per share, or an aggregate of \$63,000. The proceeds from the sale of this stock are to be applied in partial payment of Plymouth's floating indebtedness incurred for additions and improvements to its plant and properties and represented by outstanding bank notes in the aggregate amount of \$82,750, all of such notes maturing August 28, 1947.

Plymouth further proposes, in order to provide itself with funds as the same may be required from time to time to enable it to pay for necessary additions and betterments to its plant and property, to issue promissory notes to The First National Bank of Boston in amounts not to exceed in the aggregate \$700,000, all of such notes to be issued and dated prior to December 31, 1949, and to mature not later than June 30, 1952. All of such notes issued during the remainder of 1947 and during 1948 will bear interest at the rate of 2½% per annum, and those issued of 2½% per annum.

The application states that the issue and sale of the proposed securities are solely for the purpose of financing the business of Plymouth and have been expressly authorized by the Department of Public Utilities of Massachusetts by order dated July 24, 1947.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-7841; Filed, Aug. 21, 1947; 8:45 a. m.]

[File No. 70-1588]

PUBLIC SERVICE CORP. OF NEW JERSEY AND COUNTY GAS CO.

COUNTY GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August 1947.

Notice is hereby given that Public Service Corporation of New Jersey ("Public Service") a registered holding company, and its gas utility subsidiary, the County Gas Company ("County Gas") have filed a joint application-declaration, concern-

ing a plan for the revision of the capital structure of County Gas and designating sections 6, 7, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-45, promulgated thereunder, as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

(1) Public Service, as the owner of all the outstanding common stock of County Gas, will surrender such stock to County Gas for cancellation;

(2) County Gas, by action of its stockholders, will convert its presently outstanding 8,626 shares of no part value \$6 Cumulative Preferred Stock (of which 7,460 shares are owned by Public Service) into a like number of shares of no par value new common stock having a stated value of \$862,600 and the new shares of common stock will be issued, share for share, in exchange for the outstanding preferred stock;

(3) Public Service will surrender for cancellation all its holdings, consisting of \$93,425 principal amount, of the 5% Income Debentures of County Gas which are outstanding in the aggregate principal amount of \$175,246;

(4) County Gas will restate its Utility Plant Account on the basis of original cost eliminating \$226,743 of excess of book cost over original cost.

The proposed recapitalization is part of a general plan of Public Service filed with this Commission for the purpose of bringing Public Service and its subsidiaries into compliance with the provisions of section 11 of the act.

The proposed transactions have been submitted to the Board of Public Utility Commissioners of the State of New Jersey for approval.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint application-declaration and that said joint application-declaration shall not be granted or permitted to become effective except pursuant to a further order of this Commission:

It is ordered, That a hearing on said joint application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on September 8, 1947 at 11:00 a. m., e. d. s. t., at the offices of the Commission, 18th and Locust Street, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before September 8, 1947, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division having

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the joint application-declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed plan of recapitalization, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the proposed plan of recapitalization, as submitted or as hereafter modified, is fair and equitable to the persons affected thereby;

(3) Whether the terms and conditions attaching to the securities proposed to be issued by County Gas meet the applicable statutory standards;

(4) Whether the accounts of County Gas as they are proposed to be stated will be in accord with accepted accounting principles and will meet the applicable statutory standards;

(5) Generally, whether the transactions proposed, comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder;

(6) Whether in the event the application-declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to ensure compliance with the standards of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given by registered mail to Public Service, County Gas and the Board of Public Utility Commissioners of the State of New Jersey, and to all other persons by publication in the Federal Register.

It is further ordered, That County Gas shall give further notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to County Gas) by mailing to each of said persons a copy of this notice and order for hearing, to his last known address, at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant to the Secretary.

[F. R. Doc. 47-7839; Filed, Aug. 21, 1947; 8:45 a. m.]